

FORTY-FIFTH DAY.

(Tuesday, March 13, 1923.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the Speaker announced that there was not a quorum present.

Mr. Burmeister moved a call of the House for the purpose of securing a quorum and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Burmeister, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was again called and the following members were present:

Abney.	Fugler.
Amsler.	Gipson.
Arnold.	Green.
Atkinson.	Hardin of Erath.
Baker of Milam.	Hardin
Baker of Orange.	of Kaufman.
Barker.	Harris.
Barrett.	Henderson
Beasley.	of McLennan.
Bell.	Hendricks.
Bird.	Howeth.
Blount.	Hughes.
Bonham.	Irwin.
Bryant.	Jacks.
Burmeister.	Jennings.
Cable.	Jones.
Carpenter	Kemble.
of Dallas.	Lackey.
Carpenter	Laird.
of Matagorda.	Lane.
Carson.	LeMaster.
Carter of Coke.	LeSturgeon.
Carter of Hays.	Lewis.
Chitwood.	Loftin.
Coffee.	Looney.
Collins.	McBride.
Covey.	McDaniel.
Culp.	McDonald.
Davenport.	McFarlane.
Davis.	McKean.
Dinkle.	McNatt.
Downs.	Martin.
Driggers.	Mathes.
Duffey.	Maxwell.
Dunn.	Melson.
Edwards.	Merritt.
Faubion.	Moore.
Fields.	Morgan
Finlay.	of Liberty.

Morgan	Smith.
of Robertson.	Sparkman.
Pate.	Stell.
Patman.	Stevens.
Patterson.	Stewart
Perdue.	of Edwards.
Pinkston.	Stewart of Jasper.
Pool.	Stewart of Reeves.
Pope.	Stiernberg.
Potter.	Storey.
Purl.	Stroder.
Quaid.	Sweet.
Quinn.	Teer.
Rice.	Thrasher.
Robinson.	Turner.
Rogers.	Vaughan.
Rountree.	Wallace.
Russell	Wells.
of Callahan.	Westbrook.
Sackett.	Wessels.
Sanford.	Wilmans.
Satterwhite.	Wilson.
Shearer.	Winfree.
Shires.	Young.
Simpson.	

Absent.

Baldwin.	Hull.
Greer.	Lamb.
Harrington.	Price.

Absent—Excused.

Avis.	Houston.
Bobbitt.	Johnson.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Dunlap.	Strickland.
Durham.	Thompson.
Frnka.	Williamson.
Henderson	
of Marion.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Bobbitt, for today, on motion of Mr. Arnold.

Mr. Houston, for today, on motion of Mr. Arnold.

Mr. Thompson, for today, on motion of Mr. LeMaster.

Mr. Montgomery, for today, on motion of Mr. Baker of Orange.

Mr. Brady, for today, on motion of Mr. Shearer.

Mr. Cowen, for today, on motion of Mr. Turner.

Mr. Dunlap, for today, on motion of Mr. Sparkman.

Mr. Dielmann, for today, on motion of Mr. LeStourgeon.

Mr. DeBerry, for today, on motion of Mr. Sweet.

Mr. Henderson of Marion, for today, on motion of Mr. Wallace.

Mrs. Wilmans, for today, on motion of Mr. Carpenter of Dallas.

Mr. Avis, for today, on motion of Mr. Pate.

Mr. Miller, for today, on motion of Mr. Maxwell.

The following member was granted leave of absence on account of sickness:

Mr. Durham, for today, on motion of Mr. Jones.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

S. C. R. No. 23, Relating to proclamation by the Governor.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 13, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 681, A bill to be entitled "An Act to authorize the St. Louis, San Francisco & Texas Railway Company to purchase, own and operate as a part of its line the railroad of International & Great Northern Railway Company, the railroad of Fort Worth & Rio Grande Railroad Company, the railroad of Paris & Great Northern Railroad Company, the railroad of the Brownwood, North & South Railway Company; the railroad of Quanah, Acme & Pacific Railway Company, or any one or more of said railroads, together with the franchises, properties, rights and privileges of said companies, or any of them, and authorizing the said companies and each or any of them to sell and convey all of its or their said railroads, constructed or to be constructed, and all other properties, rights, franchises and privileges, to said St. Louis, San Francisco & Texas Railway Com-

pany, and authorizing said St. Louis, San Francisco & Texas Railway Company, in connection with the purchase of said properties or any of them, to assume the payment in whole or in part of any or all bonds secured by mortgage or mortgages upon the properties so purchased, and or to issue its stock or bonds in respect of the properties so purchased, and authorizing said St. Louis, San Francisco & Texas Railway Company to construct, own and operate as a part or parts of its line the unfinished portion or portions of said railroads, or any of them between the termini as defined in their respective charters, and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads, or any of them, under or as authorized in and by the charter of said St. Louis, San Francisco & Texas Railway Company, or any amendment thereof, made or to be made in pursuance of the general laws of the State of Texas, and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this act, and declaring an emergency," with amendments.

H. B. No. 412, A bill to be entitled "An Act appropriating the total sum of twenty-six hundred and eighty-eight dollars (\$2688) to Carl L. Estes, former sergeant of Troop L, Fifth Texas National Guard Regiment, for his care and provision and as partial compensation for permanent physical disability incurred in line of military duty while in the service of the State of Texas at Camp Stanley, Texas, in October, 1918. Of said total appropriation, the sum of five hundred and twenty-eight dollars (\$528) being for a deficiency from the period of November 1, 1919, to November 30, 1921, and the sum of twenty-one hundred and sixty dollars (\$2160) being for the care, provision and partial compensation of said Carl L. Estes from December 1, 1921, to and including December 31, 1924," with amendment.

H. B. No. 99, A bill to be entitled "An Act fixing the compensation of county commissioners in counties containing less than eighteen thousand inhabitants, and constituting a separate judicial district."

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quail and doves in Grayson and

Collin counties; providing penalties for violation of same; providing that road runners of chappersals may be killed at any time, and providing that if any section or part of section of this act be declared unconstitutional, the remainder of such act shall remain in full force and effect; providing adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring an emergency," with amendments.

H. B. No. 503, A bill to be entitled "An Act for the protection of those who have filed pre-emption or homestead donation claims on school Section 2, S. P. Ry. Co., Certificate 16-58, in Jack county, Texas, by authorizing the original pre-emptors or their assignees in good faith and for value to purchase, and the Commissioner of the General Land Office to sell, to them such portions as they own in good faith and for value under said pre-emption or homestead claim at fifty (50) cents per acre, after they have filed field notes in the General Land Office and have met such requirements as the law imposes on the owners of homestead or pre-emption claims and purchasers of school lands desiring patents therefor, and declaring an emergency."

H. B. No. 685, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its Regular Session, fixing the time for holding court in the Twenty-second Judicial District, and the time for holding the district courts in Austin, Hays and Caldwell counties, and providing an extra term of court each year for the counties of Hays and Caldwell; to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act to repeal all special laws relating to public roads of Nacogdoches county, as well as all general laws in conflict with this act and to create by this act a more efficient road system for Nacogdoches county, Texas; to provide for the appointment of hands and laying out of road precincts; specifying those subject to road duty and the number of days they shall work upon the public roads each year; to provide for relieving citizens of road duty by payment to the county treasurer of \$5 for each road year; to encourage donation to the public roads by citizens of said county, and providing for donations to be duplicated by the county treasurer out of the road and bridge fund of said county; providing for appointment of road overseers; making the county commissioners

of said county supervisors of the roads in their commissioner's precinct; prescribing their duties; prescribing the mode of warning those subject to road duty under the terms of this act, and making it a misdemeanor to violate the provisions of this act, and fixing a penalty therefor, and repealing all general and special laws in conflict herewith."

H. B. No. 657, A bill to be entitled "An Act to amend Chapter 92 of the Special Laws of the Regular Session of the Thirty-sixth Legislature, known as an act to create a more efficient road system for Angelina county, by re-enacting Section 8 and adding thereto a new section to be known as Section 8a, and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act to provide for the appointment of a commission to revise and digest the general laws of Texas, defining their powers and duties, and fixing the compensation of said commission; directing the commission to embody the revision in their report in the form of bills for adoption by the Legislature; authorizing the publication of the bills, and making appropriation for the purposes defined in the act, and declaring an emergency," with amendments.

H. B. No. 678, A bill to be entitled "An Act to provide for an efficient system of road maintenance in Upshur county; prescribing the classification of all public roads in said county; defining the powers and duties of the county commissioners and county attorney of such county; the jurisdiction of the county court in relation thereto; defining the qualifications and duties of road overseers and declaring who shall be subject to road duty or service in said county; providing punishment and procedure for non-performance of certain duties prescribed herein by said officers, and declaring an emergency."

H. B. No. 693, A bill to be entitled "An Act to amend Section 1 of Chapter 7, being House bill No. 96, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, and entitled 'An Act creating an independent school district to be known as Calallen Independent School District, and to provide,' etc.; and also to amend Section 1, Chapter 22, being House bill No. 35, passed at the First Called Session of the Thirty-second Legislature of the State of Texas and entitled 'An Act to create the Robstown Independent School District,' etc.; prorating the indebtedness against the Calallen Independent School District, providing that the en-

tire Robstown Independent School District may, by an election held for that purpose, assume and become liable for the amount of indebtedness prorated against that portion of said Robstown Independent School District by this act attached thereto formerly belonging to the Calallen Independent School District, and declaring an emergency."

H. B. No. 452, A bill to be entitled "An Act amending Section 1 of Chapter 5 of the General Laws of the First Called Session of the Thirty-fifth Legislature, and providing for the fixing of an indeterminate sentence upon conviction for a felony; and providing for conditional pardon of persons convicted of felony under certain conditions."

H. B. No. 691, A bill to be entitled "An Act to amend Chapter 61 of the Special Laws of the Thirty-seventh Legislature entitled 'An Act to amend House bill No. 602, Chapter 21, page 79, of the Local and Special Laws of the Thirty-fifth Legislature, passed at its Regular Session, approved February 23, 1917, creating the Buna Independent School District so as to correct the field notes in said act, and providing for the Buna Independent School District, known as Common School District No. 13, in Jasper county, Texas, and defining its boundaries; and to provide for the creating of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools; providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act,' so as to strike out the words 'and freeholders' from Section 6 thereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 188, A bill to be entitled "An Act to establish a system of public roads and bridges for Tarrant county, and to empower the commissioners court thereof to provide rules and regulations therefor, and a system for the construction of such roads and bridges, the

maintenance and repair thereof, and to condemn private property for such purposes; to constitute each county commissioner ex-officio commissioner of the public roads and bridges of his precinct, and to prescribe the powers and duties of the county commissioners; to authorize and regulate the issuance and sale of bonds under this act, and to provide other forms of indebtedness, and for the levy of taxes for such purposes, and to allow the issuance of bonds for the purpose of funding or refunding any bonded or other indebtedness heretofore or hereafter incurred by said county; to regulate the expenditure of moneys arising from the sale of such bonds, and from the levy of taxes for roads and bridge purposes; to designate and define certain cardinal roads in the county; to provide for the selection of a county engineer, and for the employment of a consulting engineer; to employ special counsel for the county; to empower the commissioners court to make such contracts with respect to the construction, maintenance or repair of roads and bridges that may be necessary, and to employ the convicts of said roads, and to provide for the compensation of the commissioners for the performance of their duties under the terms of this act; and repealing all laws in conflict with the provisions hereof, and declaring an emergency," with amendments.

H. B. No. 637, A bill to be entitled "An Act to amend Section 2 of Chapter 85 of the Local and Special Laws of the State of Texas passed at the Second Called Session of the Thirty-sixth Legislature, being 'An Act creating a more efficient road system for Wichita county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such; providing for the compensation of such road commissioners and defining the powers and duties of such county commissioners; providing for the maintenance of such part or parts of National and State highways as are in Wichita county; providing for the construction and maintenance of such highways through the corporate limits of incorporated cities and towns in said district; providing for the employment of a county road superintendent and defining the duties of such road superintendent; providing when the commissioners court of said county shall order an election for the issuance of bonds for the improvement of public roads, such bonds must be designated in said order; providing for the maintenance of roads

constructed with the proceeds of the sale of such bonds; providing for the compensation of county treasurer and handling funds arising from said land sales; providing the character of construction to be used for such roads; providing for eminent domain; making it optional for Wichita county to proceed to condemn land under railroad condemnation statute or to act under general law relative to opening public roads by jury of view; providing for the employment of convicts on county roads; authorizing the commissioners court to order railway companies to ditch or drain along their rights-of-way in such manner as to prevent injury to the public highways; providing for liability to the county for damages resulting from hauling heavy loads on such highways; providing penalties for the obstruction or diversion of the flow of rainfall in such manner as to cause damage to the highways of said county; providing for the issuance of bonds in such manner as is provided by the general laws of the State of Texas; defining the meaning of the words 'road' and 'highway'; authorizing the investment of sinking funds of said county in bonds authorized by law; prohibiting county officials of Wichita county from becoming financially interested in contracts of said county, and prescribing penalties therefor; repealing all laws and parts of laws in conflict herewith; providing that provisions of this act are cumulative of the general laws of the State of Texas when not in conflict therewith; providing for the repeal of Chapter 29 of the General Laws of Texas, approved March 22, 1918, in so far as the same affects Wichita county, and declaring an emergency, this amendment being for the purpose of providing that the road taxes, general and special, for Wichita county, and the gross registration, chauffeur and transfer fees collected on motor vehicles and the like as now or hereafter provided by law, and paid into the county depository of Wichita county to the credit of the special highways fund, shall be distributed among the forty commissioners precincts in accordance with the residence or business address of such registrant or owner, and to be expended only upon the public roads or system within such commissioner's precinct except with the consent of the commissioner from whose precinct said funds are to be transferred; repealing all laws in conflict, and declaring an emergency."

H. B. No. 538, A bill to be entitled "An Act amending Section 1 of Chapter

46, Acts of the Third Called Session of the Thirty-sixth Legislature, fixing the fees to be paid to the State and the State Board of Water Engineers upon the filing of applications for permits for the storage, diversion and use of water; fixing maximum fees at the sum of fifteen hundred dollars, and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated the sum of \$7500, or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1923, and the further sum of \$10,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1924, to defray the expenses of the Department of the State Health Officer of the State of Texas in intensive mosquito control work leading to the prevention and eradication of malaria and dengue fever, and prevention of yellow fever in the State of Texas; also authorizing the State Health Officer to accept donations from any sources to supplement such fund or funds, and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act authorizing the appointment of a person to represent the State of Texas in a conference with representatives of the United States and of the State of New Mexico, with a view to negotiating an agreement concerning the storage, division and use of the waters of the Pecos river in New Mexico and Texas; authorizing the gathering of data and information necessary thereto; prescribing the authority and duties of such representatives; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor; making an appropriation to carry out the purposes of the act, and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act to create a more efficient road system for Mills county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts, and providing for the appointment of deputies; defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties and providing for and fixing their compensation for certain labor; providing penalties for the violation of this act; giving persons

subject to road duty in Mills county and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of such sum as may be fixed by the commissioners court not later than the October term of said court in each year by an order spread on the minutes of said court, and providing for the accounting for and the disposition to be made of the money so paid; providing that delinquent poll tax payers shall be subject to three days' road duty; providing for compensation of road commissioners; providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; providing ordering an election to be held in Mills county by the qualified property taxpaying voters to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county; also giving the commissioners court power to issue time warrants in an emergency not to exceed in any one year the sum of fifteen hundred (\$1500) dollars against road and bridge fund in said county, giving the commissioners court the power to establish, change, improve or discontinue public roads with or without petition and notice, as the circumstances may be; and providing that this act shall control Mills county in all cases wherein it differs or is in conflict with the general laws on the subject of roads and making this accumulative, and declaring an emergency."

H. B. No. 535, A bill to be entitled "An Act to amend Sections 20 and 21 of Chapter 207, General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, fixing the rate of speed for automobiles upon public highways of the State and within the corporate limits of any incorporated cities or towns and within the boundaries of towns and villages not incorporated; prescribing penalties for violations of the provisions of the act; repealing all laws or parts of laws in conflict with its provisions."

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

SENATE BILL NO. 21 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 21, A bill to be entitled

"An Act to permit defendants in cases in which requisitions have been issued for them by the Governor and where they appeal their cases to the Court of Criminal Appeals to give bond the same as defendants in other felony cases, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 132 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 132, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, as amended by Chapter 131, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, and as further amended by Chapter 134, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of forty thousand or over, or having a taxable valuation of fifteen million dollars or over, and declaring an emergency."

The bill was read third time.

On motion of Mr. Teer, by unanimous consent, an amendment by Mr. Pope heretofore adopted, was withdrawn from the bill.

Senate bill No. 132 was then passed.

SENATE BILL NO. 175 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 175, A bill to be entitled "An Act repealing that part of Section 2 of the act contained in Chapter 99 of the legally published general laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, relating to exceptions to and exemptions from the Anti-pass Law, which is in the language, 'provided, that if any such railroad or transportation company shall grant to any sheriff a free pass over its lines of railroads, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor,' and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 176 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 176, A bill to be entitled "An Act changing the name of the State Normal Colleges of this State, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 179 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 179, A bill to be entitled "An Act to amend Article 2771, Revised Statutes, 1911, as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required of depositories of independent districts."

The bill was read third time and was passed.

SENATE BILL NO. 180 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 180, A bill to be entitled "An Act to amend Article 2895, Revised Statutes, 1911, fixing the time and limiting the term of employment of superintendent, principal and teachers in independent school districts, and creating an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 193 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 193, A bill to be entitled "An Act accepting certain lands or bancos along the Rio Grande adjacent to the State of Texas, which territory has been acquired by the United States of America by virtue of a treaty with the United States of Mexico, dated March 20, 1905, and ceded by the United States of America to the State of Texas by an act of Congress approved January 27, 1922, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 207 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 207, A bill to be entitled "An Act to regulate the taking of fish from that part of fresh water streams situated within the limits of any incorporated city, town or village in this State; prescribing a penalty for the violation of this act, and declaring an emergency."

The bill was read third time.

On motion of Mr. Thrasher, the bill was laid on the table subject to call.

SENATE BILL NO. 210 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 210, A bill to be entitled "An Act to amend subdivision 8 of Article 1140 of the Revised Statutes of 1911 of the State of Texas, so as to hereafter provide that any corporation formed under subdivisions 1, 2 and 3, Article 1121 of said Revised Statutes, may increase the number of its directors or trustees to not more than seventy-five instead of not more than twenty-five, as now provided by said subdivision 8 of said Article 1140, and to repeal all laws or parts of laws in conflict herewith."

The bill was read third time and was passed.

SENATE BILL NO. 219 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 219, A bill to be entitled "An Act amending Article 695a of the Penal Code of the State of Texas."

The bill was read third time and was passed.

SENATE BILL NO. 220 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 220, A bill to be entitled "An Act authorizing the Galveston & Western Railway Company to abandon a portion of its track and line of railroad in the city of Galveston, Galveston county, Texas, and to relinquish its rails, track and material to the city of Galveston."

The bill was read third time and was passed.

SENATE BILL NO. 239 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 239, A bill to be entitled

"An Act to authorize the Commissioner of the General Land Office of the State of Texas to issue an oil and gas lease to Mrs. Virgie D. Hardee for a term of five years and subject to renewal for ten years if oil or gas should be found in paying quantities upon the 76½ acres in San Jacinto bay, Harris county, that was heretofore included in oil and gas permit No. 2168, issued by the Commissioner of the General Land Office to the said Mrs. Hardee on August 2, 1917, and to H. M. Holden, his heirs or assigns, for a like term of five years upon the 703.86 acres in Nueces bay, Nueces county, that was heretofore included in oil and gas permit No. 5242, issued by the Commissioner of the General Land Office to the said Holden on October 17, 1919, and to R. L. Garrett, his heirs or assigns, for a like term of five years upon the 991.48 acres in Nueces bay, Nueces county, Texas, that was heretofore included in oil and gas permit No. 5246 issued by the Commissioner of the General Land Office to the said Garrett on October 17, 1919, conditioned that the respective owners of said lease shall pay to the General Land Office, in advance of each of the five years, for the benefit of the available school fund, a sum of money equal to twenty-five cents per acre for the first year, fifty cents per acre for the second year, seventy-five cents per acre for the third year and one dollar per acre for the fourth and fifth years; provided, no further sum per acre shall be paid after oil and gas shall have been developed in paying quantities and a royalty begins to be paid and continues to be paid monthly equal to one-eighth of the value of the gross production of oil and gas; providing for forfeiture and reinstatement, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 252 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 252, A bill to be entitled "An Act to amend Article 1064 of the Revised Civil Statutes of the State of Texas of 1911 so as to provide means for settlement of debts of municipal corporations where abolished or where de facto municipal corporations are now or hereafter declared void by court of competent jurisdiction, and by adding after said article a new article to be

known as Article 1064a so as to provide that holders of indebtedness of such municipal corporations may maintain proper suit in court and have service on named officials and judgment as if such corporation had not been dissolved."

The bill was read third time and was passed.

SENATE BILL NO. 246 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 246, A bill to be entitled "An Act to amend Chapter 26, Section 1, Acts of the Thirty-sixth Legislature, providing for emergency transfer of school children, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 275 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 275, A bill to be entitled "An Act to permit boards of trustees of religious, charitable, educational or eleemosynary institutions to be affiliated with, elected and controlled by a convention, conference or association, incorporated or unincorporated, organized under the laws of this or another State, whose membership is composed of representatives, delegates or messengers from any church or other religious association; also to permit such institutions to acquire, own, hold, mortgage and dispose of property, real and personal, within this State, in furtherance of the purposes of the organization."

The bill was read third time and was passed.

SENATE BILL NO. 297 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 297, A bill to be entitled "An Act appropriating to the permanent public school fund whatsoever land that may be recovered to the State finally in the case of the State of Texas against George Findlay and others in the Capitol Syndicate Land Suit, and providing for the survey and sale of same, with a reservation of minerals, and making an appropriation for a survey of the land, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 273 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 273, A bill to be entitled "An Act to amend Articles 3635, 3636, 3637 and 3639, Chapter 32, Title 52, of the Revised Statutes of Texas, in reference to appeals from county courts to district courts in estate matters."

The bill was read third time and was passed.

SENATE BILL NO. 300 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 300, A bill to be entitled "An Act providing the manner in which notice may be given by a party to a proceeding before any commission, board or other administrative or quasi-judicial agency in this State that he will not abide by, or that he appeals or intends to appeal from, the final order, ruling or decision of such commission, board or other agency; providing that this act shall be cumulative of other laws; specifying the manner in which any such notice may be given; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 317 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 317, A bill to be entitled "An Act amending Article 1017, Chapter 11, Title 22, of the Revised Civil Statutes of 1911, so as to provide that the provisions of the chapter to be cumulative, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 321 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 321, A bill to be entitled "An Act providing for the committing of feeble-minded persons to the State Colony for the Feeble-minded; giving to the county and district courts jurisdiction to hear and determine the status of feeble-minded persons, and commit

them to such colony, to be known as 'Court for the Feeble-minded,' when so sitting; providing the procedure in such cases; defining the powers and duties of the county attorney and other officers; defining the powers and duties of such colony and its management and superintendent in relation to the custody and the preservation and regaining thereof of such persons committed or admitted thereto; prescribing the duties of peace officers in regard thereto; making such persons wards of the State; making it a felony to entice, remove, abduct or kidnap a patient from such colony, or to assist such to escape, or to conceal a patient who has escaped, or been enticed, removed, abducted or kidnapped therefrom, and prescribing a penalty therefor, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 324 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 324, A bill to be entitled "An Act amending Article 993, Penal Code, so as to make it unlawful for any person, corporation or company engaged in the manufacture or sale of electricity, water or gas, or officer or employe thereof, to knowingly permit or cause any light, water or gas meter to register greater than the true amount of light, electricity, water or gas sold or furnished any customer, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 353 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 353, A bill to be entitled "An Act to amend Article 4364, Revised Civil Statutes of 1911, providing for the bond of the State Treasurer so as to provide for the making of such bond with a surety company and the payment of the expense incident thereto by the State; and to amend Article 4373, Revised Civil Statutes of 1911, providing for the appointment of a chief clerk and the giving of bond by him, and also providing for the appointment of other employes so as to provide for the appointment of the chief clerk and the giving of a bond by him with a good and solvent surety company, and further, to provide for the appointment of

other employes and the giving of bonds by each of them, and to require the State to pay the necessary expenses incident to the execution of said bond or bonds, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 344 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage.

S. B. No. 344, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to lease a group of three islands situated in Bahia Grande (Big Bay) in Cameron county, for a term not to exceed fifty years, to the National Association of Audubon Societies for and in consideration of said association undertaking to propagate, protect and conserve birds and bird life thereon; providing punishment by fine and imprisonment for violation of this act, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 369 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 369, A bill to be entitled "An Act to provide that county judges may authorize the payment of premiums on bonds of guardians, administrators or executors where such bonds are made by approved surety companies out of the estate being administered by such guardians, administrators or executors."

The bill was read third time and was passed.

SENATE BILL NO. 379 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 379, A bill to be entitled "An Act to prohibit the trapping or taking of wild game birds and wild game fowls and wild animals from an airplane, a powerboat, a sailboat, any boat under sail, or any floating device towed by powerboat or sailboat; prescribing penalties for the violation of its provisions; providing for the Game, Fish and Oyster Commissioner and his deputies to have jurisdiction in the enforcement of same, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 396 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. B. No. 396, A bill to be entitled "An Act to validate all sales of public school land sold to the highest bidder on January 20, 1908, and now situated in Kleberg, Kenedy and Brooks counties, which are in good standing as to interest payments on the records of the General Land Office; authorizing patents to be issued when finally paid for, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 418 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 418, A bill to be entitled "An Act granting and dedicating to the city of Austin, Texas, for exclusively municipal park and other recreational purposes 6.41 acres of land, more or less, situated in or near the city of Austin, with reservation, and declaring an emergency."

The bill was read third time and was passed.

SENATE BILL NO. 370 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 370, A bill to be entitled "An Act amending Section 1 of Chapter 110 of the General Laws of the Regular Session of the Thirty-seventh Legislature, so as to permit steam and electric railroads, transportation companies or sleeping car companies, to furnish transportation to veterans of the Civil War at a rate of one cent per mile, and declaring an emergency."

The bill was read third time.

Mr. Laird offered the following amendment to the bill:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Chapter 110 of the General Laws of the Regular Session of the Thirty-seventh Legislature be and the same is hereby amended so as to hereafter read as follows:

Section 1. From and after the passage of this act it shall be lawful for any steam or electric railway or chartered transportation company or sleeping car company or the receivers or

lessees thereof or person operating the same or the officers, agents or employes thereof to furnish free transportation over their lines to any citizen of this State who served in the war between the States of the Union, either on the Confederate side or the Union side of said war; provided further, that the wives or widows of such veterans may also be granted free transportation.

Section 1a. Provided further, that in the event the railway companies mentioned in this act do not see fit to grant free transportation to the veterans, widows and wives mentioned in this act they shall be permitted to grant a transportation at the rate of one cent per mile to such veterans and their wives or widows.

Sec. 2. The importance of this act creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Mr. Purl offered the following amendment to the amendment:

Amend the amendment to Senate bill No. 370 by adding another section, which shall be known as Section 2:

"Also permit steam and electric railroads to transport honorably discharged soldiers, sailors, marines and Red Cross nurses of the late World War to and from the annual convention, Department of Texas American Legion for one cent a mile."

And renumber sections to correspond.

The amendment to the amendment was adopted.

Mr. Fields offered the following amendment to the amendment:

Amend the amendment to Senate bill No. 370 by adding after the word "war," line 11, Section 1, the following: "and veterans of Spanish-American war."

Mr. Carter of Coke moved the previous question on the pending amendment and the bill, and the motion was not seconded.

The amendment by Mr. Fields was adopted.

Question recurring on the amendment as amended, it was adopted.

Mr. Baker of Milam offered the following amendment to the bill:

Amend Senate bill No. 370 by including veterans of the Texas ranger force who served the State prior to the year 1900.

The amendment was adopted.

Mr. Laird offered the following amendment to the bill:

Strike out all before the enacting clause and insert the following:

"A bill to be entitled 'An Act amending Chapter 110 of the General Laws of the Regular Session of the Thirty-seventh Legislature so as to permit steam and electric railway transportation companies or sleeping car companies to furnish free transportation to veterans of the Civil War and to their wives or widows, and where such free transportation is not granted may grant a rate of one cent per mile, providing that said companies may grant a rate of one cent per mile to certain veterans of the Spanish-American and World wars and to certain ex-rangers, and declaring an emergency.'"

The amendment was adopted.

Senate bill No. 370 was then passed.

Mr. Carter of Coke moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 268 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 268, A bill to be entitled "An Act to amend Articles 6901a and 6901d of Chapter 1, Title 119 of the Revised Civil Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98, General Laws, Regular Session, Thirty-sixth Legislature, and to amend Articles 6901b, 6901c and 6901e of said chapter and title of the Revised Civil Statutes as enacted by Chapter 29 of the General Laws of the Fourth Called Session, Thirty-fifth Legislature, and adding thereto Articles 6901cc, 6901dd and 6901ff, all of which articles of the statutes relate to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Mr. Teer offered the following amendments to the bill:

(1)

Amend Senate bill No. 268 by adding immediately before the emergency clause thereof the following: "Provided that

in counties whose population range between 37,200 and 37,300, and counties whose population range between 46,500 and 47,000 and in counties whose population ranges between 55,725 and 55,800, according to the official Federal census of 1920 this act shall not operate to raise the compensation of the county commissioners above the amount said commissioners were receiving in the year 1922.

(2)

Amend Senate bill No. 268 by adding to Section 6901cc the following words: "Providing that in all counties having a population ranging from 43,550 to 64,600 inhabitants, according to the official census of 1920, county commissioners shall receive a salary of \$1500 per annum, payable in monthly installments, in lieu of all other fees and per diem of all kinds now allowed them by law."

The amendments were severally adopted.

Senate bill No. 268 was then finally passed.

SENATE BILL NO. 322 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 322, A bill to be entitled "An Act providing that it shall be unlawful for the owner, keeper or person in control of any dog accustomed to run, worry or kill goats and sheep, knowing such dog to be so accustomed to run, worry or kill goats or sheep, to permit such dog to run at large; providing penalties, and declaring an emergency."

The bill was read third time.

Mr. Harris offered the following amendment to the bill:

Amend Senate bill No. 322, as amended, by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. That hereafter it shall be unlawful for the owner, keeper or person in control of any dog accustomed to run, worry or kill goats and sheep, knowing such dog to be so accustomed to run, worry or kill goats and sheep, to permit such dog to run at large. Each time such dog runs at large shall constitute a separate offense."

And in Section 3 insert in lieu of the phrase "goats, sheep and poultry" the phrase "goats and sheep."

On motion of Mr. Stewart of Edwards, the amendment was tabled.

Senate bill No. 322 was then passed.

Mr. Satterwhite moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m. today, and the call was duly seconded and ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The roll was called and a quorum was announced present.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor, received from the Senate, was read to the House as follows:

Governor's Office,
Austin, Texas, March 12, 1923.

To the Members of the Texas Senate,
Thirty-eighth Legislature:

Gentlemen: I am herewith returning to you, with my disapproval and veto, Senate bill No. 197. This act creates the Tenth Supreme Judicial District Court for Texas to be located at Waco. We now have nine Supreme Judicial District Courts composed of twenty-seven judges. As long as these nine courts take each year a three months' vacation, as they are now required to do under the law, and as long as these courts pass on less than one case per week per judge during the year, it does not appeal to my business judgment or my sense of economy to create another court to assist in doing the work now and heretofore committed to these nine courts. Therefore, this bill is vetoed.

Respectfully,
PAT M. NEFF,
Governor.

CONSIDERATION OF VETO OF SENATE BILL NO. 197.

Mr. Shires called up, for consideration at this time,

S. B. No. 197, A bill to be entitled "An Act to amend Section 1 of an act passed by the Thirty-fourth Legislature of Texas and approved March 22, 1915, creating the Tenth Judicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature, and to create the Tenth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the said Tenth Supreme Judicial Dis-

trict, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill having been received from the Senate with a message from the Governor notifying the Senate of his disapproval of same.

Mr. Shires moved that the bill be passed notwithstanding the objections of the Governor.

Mr. Moore moved the previous question on the motion to pass the bill over the Governor's veto, and the motion was not seconded.

Mr. Moore again moved the previous question on the motion to pass the bill over the veto of the Governor, and the main question was ordered.

The Clerk was directed to call the roll and the bill was passed notwithstanding the objections of the Governor by the following vote:

Yeas—91.

Amsler.	LeSturgeon.
Arnold.	Lewis.
Baker of Milam.	Loftin.
Baker of Orange.	McBride.
Barrett.	McDaniel.
Beasley.	McDonald.
Bell.	McFarlane.
Bird.	McKean.
Blount.	McNatt.
Bryant.	Martin.
Burmeister.	Maxwell.
Carpenter	Melson.
of Dallas.	Merritt.
Carpenter	Moore.
of Matagorda.	Morgan
Carson.	of Liberty.
Carter of Coke.	Morgan
Chitwood.	of Robertson.
Coffee.	Pate.
Collins.	Patman.
Covey.	Patterson.
Davenport.	Perdue.
Dinkle.	Pool.
Downs.	Pope.
Driggers.	Potter.
Duffey.	Purl.
Dunn.	Quaid.
Edwards.	Quinn.
Gipson.	Robinson.
Green.	Rogers.
Hardin of Erath.	Rountree.
Harris.	Russell
Henderson	of Callahan.
of McLennan.	Sackett.
Hughes.	Sanford.
Irwin.	Satterwhite.
Jennings.	Shearer.
Jones.	Shires.
Kemble.	Simpson.
Lackey.	Smith.
Lane.	Sparkman.
LeMaster.	Stell.

Stewart of Reeves.	Wallace.
Stiernberg.	Wells.
Storey.	Wessels.
Stroder.	Williamson.
Sweet.	Wilson.
Teer.	Winfree.
Thrasher.	Young.
Vaughan.	

Nays—17.

Abney.	Hendricks.
Atkinson.	Laird.
Barker.	Looney.
Bonham.	Pinkston.
Cable.	Stevens.
Carter of Hays.	Stewart of Jasper.
Davis.	Turner.
Fields.	Westbrook.
Finlay.	

Absent.

Baldwin.	Howeth.
Culp.	Hull.
Faubion.	Jacks.
Fugler.	Lamb.
Greer.	Mathes.
Hardin	Price.
of Kaufman.	Stewart
Harrington.	of Edwards.

Absent—Excused.

Avis.	Houston.
Bobbitt.	Johnson.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Dunlap.	Strickland.
Durham	Thompson.
Frnka.	Wilmans.
Henderson	
of Marion.	

Paired.

Mr. Rice (present), who would vote "nay," with Mr. Dodd (absent), who would vote "yea."

Mr. Shires moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

CONSIDERATION OF VETO OF HOUSE BILL NO. 110.

Mr. Quinn called up, for consideration at this time,

H. B. No. 110, A bill to be entitled "An Act to establish reciprocity between insurance companies organized under the laws of the State of Texas and those of other States or foreign countries, imposing on such foreign in-

insurance companies and their agents the same requirements, conditions and the payment of such sums of money, whether as taxes, license fees, fines, penalties or deposits of securities as may be required by the home State of such foreign insurance company or companies of companies organized in this State or the agents thereof, and empowering the Commissioner of Insurance and Banking to refuse or cancel permits of foreign insurance companies where permits of Texas companies would be refused or canceled in such foreign State or territory, and declaring an emergency."

The bill having been received from the Governor with a message notifying the House of his disapproval of same.

Question—Shall the bill be passed notwithstanding the objections of the Governor?

Mr. Moore moved the previous question on the motion to pass the bill over the Governor's veto and the main question was ordered.

The Clerk was directed to call the roll and the bill failed to pass over the veto of the Governor by the following vote:

Yeas—43.

Amsler.	McKean.
Arnold.	McNatt.
Baker of Milam.	Morgan
Baker of Orange.	of Liberty.
Carson.	Pate.
Carpenter	Patman.
of Dallas.	Perdue.
Carpenter	Pinkston.
of Matagorda.	Pool.
Davis.	Pope.
Downs.	Potter.
Gipson.	Quaid.
Hardin	Quinn.
of Kaufman.	Rogers.
Henderson	Russell
of McLennan.	of Callahan.
Hendricks.	Shires.
Hughes.	Simpson.
Irwin.	Sparkman.
Kemble.	Stell.
Lane.	Stewart of Jasper.
LeStourgeon.	Stewart of Reeves.
McBride.	Stroder.
McDaniel.	Young.
McFarlane.	

Nays—55.

Atkinson.	Burmeister.
Barker.	Cable.
Barrett.	Carter of Coke.
Beasley.	Carter of Hays.
Bell.	Chitwood.
Bird.	Coffee.
Bonham.	Collins.
Bryant.	Culp.

Dinkle.
Driggers.
Duffey.
Dunn.
Faubion.
Fields.
Finlay.
Fugler.
Harris.
Howeth.
Jennings.
Lackey.
Laird.
LeMaster.
Lewis.
Looney.
Martin.
Mathes.
Merritt.
Moore.

Morgan
of Robertson.
Patterson.
Purl.
Rice.
Robinson.
Sackett.
Sanford.
Satterwhite.
Shearer.
Smith.
Stevens.
Stiernberg.
Sweet.
Thrasher.
Turner.
Vaughan.
Wallace.
Westbrook.
Wessels.
Winfree.

Present—Not Voting.

Mr. Speaker.	McDonald.
Blount.	Maxwell.
Covey.	

Absent.

Abney.	Lamb.
Baldwin.	Loftin.
Davenport.	Melson.
Edwards.	Price.
Green.	Rountree.
Greer.	Storey.
Hardin of Erath.	Stewart
Harrington.	of Edwards.
Houston.	Teer.
Hull.	Wells.
Jacks.	Williamson.
Jones.	Wilson.

Absent—Excused.

Avis.	Henderson
Bobbitt.	of Marion.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Dunlap.	Strickland.
Durham.	Thompson.
Frnka.	Wilmans.
Johnson.	

Mr. Purl moved to reconsider the vote by which the bill failed to pass and to table the motion to reconsider.

The motion to table prevailed.

SENATE JOINT RESOLUTION NO. 10
ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. J. R. No. 10, Proposing an amend-

ment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows who have been citizens of Texas since prior to January 1, 1910; providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and to participate in the pension fund created hereunder; levying a tax of seven (\$.07) cents on the \$100 valuation of property in this State for the payment of said pension; providing that the Legislature may reduce the rate of pension for such purposes; fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof.

The resolution was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Harris.
Abney.	Henderson
Amsler.	of McLennan.
Arnold.	Howeth.
Atkinson.	Hughes.
Baker of Milam.	Irwin.
Baker of Orange.	Jennings.
Barker.	Jones.
Barrett.	Kemble.
Beasley.	Lackey.
Bell.	Laird.
Bird.	Lane.
Blount.	LeSturgeon.
Bonham.	Lewis.
Bryant.	Looney.
Burmeister.	McBride.
Cable.	McDaniel.
Carpenter	McDonald.
of Dallas.	McFarlane.
Carpenter	McKean.
of Matagorda.	McNatt.
Carson.	Martin.
Carter of Coke.	Maxwell.
Carter of Hays.	Melson.
Chitwood.	Merritt.
Coffee.	Moore.
Collins.	Morgan
Covey.	of Liberty.
Davenport.	Morgan
Dinkle.	of Robertson.
Driggers.	Pate.
Duffey.	Patman.
Dunn.	Patterson.
Edwards.	Perdue.
Faubion.	Pinkston.
Fields.	Pool.
Finlay.	Pope.
Gipson.	Potter.
Green.	Purl.
Hardin of Erath.	Quaid.
Hardin	Quinn.
of Kaufman.	Rice.

Robinson.	Stiernberg.
Rogers.	Stroder.
Russell	Sweet.
of Callahan.	Teer.
Sackett.	Thrasher.
Sanford.	Turner.
Satterwhite.	Vaughan.
Shearer.	Wallace.
Simpson.	Wells.
Smith.	Westbrook.
Sparkman.	Wessels.
Stell.	Williamson.
Stewart	Wilson.
of Edwards.	Winfree.
Stewart of Jasper.	Young.
Stewart of Reeves.	

Nays—4.

Davis.	LeMaster.
Downs.	Stevens.

Absent.

Baldwin.	Lamb.
Culp.	Loftin.
Fugler.	Mathes.
Greer.	Price.
Harrington.	Rountree.
Hendricks.	Shires.
Hull.	Storey.
Jacks.	

Absent—Excused.

Avis.	Houston.
Bobbitt.	Johnson.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Dunlap.	Strickland.
Durham.	Thompson.
Frnka.	Wilmans.
Henderson	
of Marion.	

SENATE JOINT RESOLUTION NO. 11 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. J. R. No. 11, Proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under State control, of a State system of public highways; authorizing the Legislature to provide for the issuance of bonds of the State or other forms of indebtedness for the construction of a State system of public

highways, and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expense of said election.

The resolution was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.	McBride.
Abney.	McDonald.
Amsler.	McFarlane.
Arnold.	McKean.
Baker of Milam.	McNatt.
Baker of Orange.	Martin.
Barker.	Maxwell.
Barrett.	Melson.
Beasley.	Moore.
Bell.	Morgan
Bird.	of Liberty.
Blount.	Morgan
Bonham.	of Robertson.
Bryant.	Pate.
Burmeister.	Patman.
Carpenter	Patterson.
of Dallas.	Pinkston.
Carpenter	Pool.
of Matagorda.	Pope.
Carson.	Potter.
Carter of Coke.	Purl.
Carter of Hays.	Quaid.
Chitwood.	Rice.
Coffee.	Robinson.
Covey.	Rogers.
Culp.	Rountree.
Davenport.	Russell
Dinkle.	of Callahan.
Downs.	Sackett.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunn.	Shearer.
Edwards.	Shires.
Faubion.	Simpson.
Fields.	Smith.
Fugler.	Sparkman.
Gipson.	Stewart
Green.	of Edwards.
Hardin of Erath.	Stewart of Jasper.
Harris.	Stewart of Reeves.
Henderson	Stiernberg.
of McLennan.	Storey.
Hendricks.	Stroder.
Howeth.	Sweet.
Hughes.	Teer.
Irwin.	Thrasher.
Jennings.	Turner.
Jones.	Vaughan.
Kemble.	Wallace.
Lackey.	Wells.
Laird.	Williamson.
Lane.	Wilson.
LeSturgeon.	Winfree.
Lewis.	Young.
Loftin.	

Nays—14.

Atkinson.	Looney.
Cable.	McDaniel.
Collins.	Mathee.
Davis.	Merritt.
Finlay.	Stell.
Hardin	Stevens.
of Kaufman.	Westbrook.
LeMaster.	Wessels.

Absent.

Baldwin.	Jacks.
Greer.	Lamb.
Harrington.	Perdue.
Houston.	Price.
Hull.	Quinn.

Absent—Excused.

Avis.	Henderson
Bobbitt.	of Marion.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Dunlap.	Strickland.
Durham.	Thompson.
Frnka.	Wilmans.
Johnson.	

SENATE JOINT RESOLUTION NO. 13
ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, S. J. R. No. 13, Joint resolution amending Section 9 of Article 8 of the Constitution of the State of Texas, providing that the Legislature may authorize an annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax not to exceed one dollar on the one hundred dollars valuation of the property subject to taxation in such county.

The resolution was read third time and failed to pass by the following vote:

Yeas—50.

Arnold.	Carson.
Baker of Milam.	Carter of Hays.
Baker of Orange.	Chitwood.
Beasley.	Collins.
Bryant.	Dinkle.
Burmeister.	Dunn.
Cable.	Finlay.
Carpenter	Fugler.
of Matagorda.	Gipson.

Green.	Pool.
Hardin of Erath.	Purl.
Harris.	Rice.
Hendricks.	Robinson.
Hughes.	Rogers.
Irwin.	Sackett.
Jones.	Sanford.
Lane.	Satterwhite.
Lewis.	Simpson.
McDaniel.	Stewart
Moore.	of Edwards.
Morgan	Stewart of Reeves.
of Liberty.	Turner.
Morgan	Vaughan.
of Robertson.	Wells.
Pate.	Wilson.
Patman.	Winfree.
Patterson.	Young.

Nays—53.

Abney.	McBride.
Amsler.	McDonald.
Atkinson.	McFarlane.
Barker.	McKean.
Barrett.	McNatt.
Bell.	Martin.
Bird.	Mathes.
Blount.	Merritt.
Bonham.	Perdue.
Carpenter	Pinkston.
of Dallas.	Pope.
Carter of Coke.	Potter.
Covey.	Shearer.
Davis.	Russell
Downs.	of Callahan.
Driggers.	Smith.
Duffey.	Sparkman.
Faubion.	Stell.
Fields.	Stevens.
Hardin	Stewart of Jasper.
of Kaufman.	Stiernberg.
Howeth.	Storey.
Jennings.	Stroder.
Kemble.	Sweet.
Lackey.	Teer.
Laird.	Thrasher.
LeMaster.	Westbrook.
Loftin.	Wessels.
Looney.	Williamson.

Absent.

Baldwin.	Lamb.
Coffee.	LeStourgeon.
Culp.	Maxwell.
Davenport.	Melson.
Edwards.	Price.
Greer.	Quaid.
Harrington.	Quinn.
Henderson	Rountree.
of McLennan.	Shires.
Hull.	Wallace.
Jacks.	

Absent—Excused.

Avis.	Brady.
Bobbitt.	Cowen.

Crawford.	Johnson.
DeBerry.	Lusk.
Dielmann.	Merriman.
Dodd.	Miller.
Dunlap.	Montgomery.
Durham.	Rowland.
Frnka.	Russell of Trinity.
Houston.	Strickland.
Henderson	Thompson.
of Marion.	Wilmans.

RELATING TO VOTE ON FINAL
PASSAGE OF BILLS.

On motion of Mr. Satterwhite, House Rule No. 18, relating to a vote on the passage of any bill or resolution, was suspended so as to permit a vote on such passage until 12:30 o'clock p. m. today.

Mr. Stewart of Reeves moved a call of the House for the purpose of maintaining a quorum until 12:30 o'clock p. m. today, and the call was duly seconded and ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

SENATE BILL NO. 341 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 341, A bill to be entitled "An Act to provide a complete educational system commonly known as the county unit system, to be adopted by the respective counties of this State; providing for a special election to be called for the adoption of the system herein provided for; setting forth the general administration of the schools of such counties under a county board of education; providing for the election of such county board of education, defining their respective powers and duties and stating their qualifications, number to be elected, time and place of meeting of such board; providing for holding of elections in counties adopting the provisions of this act, authorizing the county boards herein provided for to make a levy for school taxes in any rate to exceed one (\$1) dollar on the one hundred (\$100) dollar valuation of taxable property in the county as assessed for other county and State taxes; providing for a treasurer for the county

school funds, fixing his bond and prescribing his duties; providing for the appointment of a county superintendent of education, fixing his qualifications and duties; prescribing that a general system of classifying and grading all schools in such county shall be adopted; providing for the regulation of the schools as to sanitation and equipment; providing for the creation of districts for the enforcement of the State compulsory attendance law; providing for a system of reports to be required by the county board of education and the State Superintendent; and declaring an emergency."

The bill was read third time.

Mr. Quaid offered the following amendment to the bill:

Amend Senate bill No. 341 by adding a new section to be known as Section 66a:

"Any county that takes advantage of the provisions of this act and puts itself under the operation thereof, may any time after two years, by majority vote, abolish said county unit system at an election held in the manner herein provided for after the presentation of a petition as provided for herein."

The amendment was adopted.

Mr. Collins offered the following amendment to the bill:

Amend Senate bill No. 341 by exempting Dallas county from the provisions of the act.

The amendment was lost.

Senate bill No. 341 was then finally passed.

Mr. Potter moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 237 ON SECOND READING.

On motion of Mr. Stewart of Reeves, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading,

S. B. No. 237, A bill to be entitled "An Act with reference to the public roads in Fayette, Colorado, Lavaca and Austin counties; exempting all firemen employed by any municipality or other governmental agency in such counties from road or street duty or the payment of any money in lieu thereof, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Stewart of Reeves offered the following amendment to the bill:

Amend Senate bill No. 237 by striking out of Section 1, page 1, after the word "municipality" the words "or other governmental agencies."

Also in Section 1, line 2, after the word "all" by inserting the word "volunteer."

Also in Section 1, line 2, after the word "firemen" by inserting the words "who serve without pay."

Also by amending the caption to correspond.

The amendment was adopted.

Senate bill No. 237 was then passed to third reading.

SENATE BILL NO. 237 ON THIRD READING.

Mr. Stewart of Reeves moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 237 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93.

Mr. Speaker.	Green.
Abney.	Hardin of Erath.
Amsler.	Hardin
Arnold.	of Kaufman.
Baldwin.	Henderson
Barker.	of McLennan.
Barrett.	Hendricks.
Beasley.	Howeth.
Bell.	Hughes.
Bird.	Irwin.
Blount.	Jennings.
Bonham.	Jones.
Bryant.	Lackey.
Cable.	Laird.
Carpenter	Lamb.
of Dallas.	Lane.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carson.	McDonald.
Coffee.	McFarlane.
Collins.	McKean.
Covey.	McNatt.
Culp.	Martin.
Davenport.	Mathes.
Dinkle.	Maxwell.
Downs.	Merritt.
Driggers.	Moore.
Duffey.	Morgan
Dunn.	of Liberty.
Edwards.	Morgan
Faubion.	of Robertson.
Fields.	Pate.
Finlay.	Patterson.
Gipson.	Perdue.

Pinkston.	Smith.
Pope.	Stell.
Potter.	Stevens.
Purl.	Stewart of Reeves.
Quaid.	Stiernberg.
Quinn.	Storey.
Rice.	Stroder.
Robinson.	Sweet.
Rogers.	Teer.
Rountree.	Thrasher.
Russell	Turner.
of Callahan.	Vaughan.
Sackett.	Westbrook.
Sanford.	Wessels.
Shearer.	Wilson.
Shires.	Young.
Simpson.	

Nays—9.

Atkinson.	Davis.
Baker of Milam.	Stewart of Jasper.
Baker of Orange.	Stewart
Carter of Coke.	of Edwards.
Carter of Hays.	Wells.

Absent.

Burmeister.	Lewis.
Chitwood.	Loftin.
Dunlap.	Looney.
Fugler.	Melson.
Greer.	Patman.
Harrington.	Pool.
Harris.	Price.
Hull.	Satterwhite.
Jacks.	Sparkman.
Kemble.	Wallace.
LeMaster.	Williamson.
LeSturgeon.	Winfree.

Absent—Excused.

Avis.	Houston.
Bobbitt.	Johnson.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Durham.	Strickland.
Frnka.	Thompson.
Henderson	Wilmans.
of Marion.	

The Speaker then laid Senate bill No. 237 before the House on its third reading and final passage.

The bill was read third time and was passed.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the

Governor, which was read to the House, as follows:

Governor's Office,

Austin, Texas, March 13, 1923.

To the Members of the House and Senate, Regular Session, Thirty-eighth Legislature.

Gentlemen: I am just in receipt of Senate concurrent resolution No. 23, asking me for reasons therein stated, to reconsider and change my call for a special session of the Legislature to convene Thursday morning of this week.

Replying, desire to say that some ten days ago, when you adopted your sine die resolution to adjourn March 14th, I definitely decided at that time that the Legislature should be reconvened at once to pass adequate revenue measures and make necessary appropriations. In keeping with that decision, on last Saturday I issued my call and sent it thus early to your honorable bodies in order that you and all interested parties might have sufficient time to arrange your affairs, both private and public, accordingly. It was my judgment then, and it is my judgment now, that the Legislature should reconvene Thursday morning to do the work committed into their hands by the Constitution of the State. In making this statement, however, I recognize the fact that the legislative and executive departments are separate, and that each is entitled, in matters of this kind, to its individual views, and that each department should receive and accept without undue criticism the official acts of the other. When your honorable bodies adopted your resolution to adjourn March 14th you exercised your best judgment. When I reconvened you for the next day I used my best judgment. I am still of the same opinion and, therefore, I shall let my call for the special session stand as it is. If, however, the House and Senate deem it not wise or expedient, for known and satisfactory reasons to them, to have the special session at this time, I shall happily and co-operatively accept your verdict as to a special session as final.

In the event you see fit to adjourn, desire to say, for your information, I shall reconvene the Legislature in special session in keeping as near as possible with your wish on some day between the middle of April and June 1st.

Respectfully,

PAT M. NEFF,
Governor.

SENATE JOINT RESOLUTION NO. 20
ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. J. R. No. 20, Providing for revenue for the support of the public schools; providing for the levying and collecting, in addition to the above, ad valorem State tax not to exceed thirty-five cents on the one hundred (\$100) dollars valuation; providing for the State Board of Education to set aside a sufficient amount out of said tax to provide free text books; providing for an additional appropriation by the Legislature if the limit of taxation be insufficient; providing for the formation of school districts by the commissioners courts of the several counties, and providing that school districts may embrace parts of two or more counties; providing further that the Legislature be authorized to pass laws for the assessment and collection of taxes in said districts; conferring the management and control of the public schools of such districts upon the commissioners courts; providing for the Legislature to authorize an additional ad valorem tax within school districts for the maintenance of public schools and the erection and equipment of school buildings therein; providing that a majority of the qualified property taxpaying voters of the district shall vote such tax not to exceed in one year one dollar on the one hundred dollars valuation on property subject to taxation, but this limitation shall not apply to incorporated cities or towns constituting separate and independent school districts.

The resolution was read third time.

Mr. Pope offered the following amendment to the resolution:

Amend S. J. R. No. 20 by striking out Senate engrossed riders.

Amend S. J. R. No. 20 by adding after the word "counties" in the fourteenth line from the bottom of first column, page 1675 of House Journal, the following: "Provided the Legislature is hereby authorized to enact such general laws as may be deemed necessary for the general management and control of the public schools of the several counties, other than the creation of school districts, and provided that no independent school district shall be created by such commissioners court until the matter of creating same shall have been first submitted to a vote of the people affected by such proposed district, and a majority of the

qualified voters voting at such an election be in favor of such district, which election shall be held as may be hereafter provided by the Legislature."

Mr. Hardin of Kaufman moved to table the amendment, and the motion to table was lost.

Question recurring on the amendment, it was adopted.

Mr. Satterwhite raised a point of order on further consideration of the resolution on the ground that the time allotted under the Rules of the House for the consideration of resolutions had expired.

The Speaker sustained the point of order.

HOUSE BILL NO. 690 WITH SENATE
AMENDMENTS.

Mr. Patman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 690, A bill to be entitled "An Act to provide for the appointment of a commission to revise and digest the general laws of Texas, defining their powers and duties, and fixing the compensation of said commission; directing the commission to embody the revision in their report in the form of bills for adoption by the Legislature; authorizing the publication of the bills, and making appropriation for the purposes defined in the act, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Patman moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

RECESS.

On motion of Mr. Quaid, the House, at 12:30 o'clock p. m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker. (Mr. Quaid in the chair.)

PRESENTATION TO THE SPEAKER.

Mr. Rountree, on behalf of the members of the House, presented Speaker Seagler with a gold watch.

Mr. Blount, on behalf of the clerks

and stenographers of the House, presented Speaker Seagler with a sterling silver berry set.

Mr. Moore, on behalf of J. C. Adrian, presented Speaker Seagler with cedar candle sticks which were made by Mr. Adrian.

Mr. Beasley, on behalf of the officers of the House, presented Speaker Seagler with a brief case.

Mr. Carpenter of Dallas, on behalf of the pages, presented Speaker Seagler with a gold fountain pen and gold pencil.

Mr. Satterwhite, on behalf of the porters, presented Speaker Seagler with an umbrella.

Speaker Seagler then thanked the donors for the gifts.

PRESENTATION TO SERGEANT-AT-ARMS.

Mr. Jacks, on behalf of the pages, presented Joe White, Sergeant-at-Arms, with a sterling silver cigarette case and cigarette holder.

Mr. Baker of Milam, on behalf of the porters, presented Sergeant-at-Arms Joe White with a handbag.

Sergeant-at-Arms Joe White then thanked the donors for the gifts.

(Speaker in the chair.)

HOUSE BILL NO. 645 WITH SENATE AMENDMENTS.

Mr. Smith called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 645, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Smith, the House concurred in the Senate amendments.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 13, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate bill No. 164, and requests the appointment of a free conference committee to adjust the differences. The following are appointed on the committee

on behalf of the Senate: Senators Woods, Burkett, McMillin, Witt and Stuart.

The vote by which the Senate refused to concur in House amendments to Senate bill No. 244 was rescinded by a unanimous vote and the Senate then concurred in House amendments to Senate bill No. 244.

The Senate has concurred in House amendments to Senate bills Nos. 219, 321, 256, 132 and 341.

The Senate has passed

H. B. No. 34, A bill to be entitled "An Act making an appropriation of three hundred thousand (\$300,000) dollars to build and equip an Administration building at the North Texas State Normal College, Denton, Texas, and declaring an emergency," with amendments.

H. B. No. 35, A bill to be entitled "An Act to make emergency appropriation to enlarge and make adequate the central heating and power plant of, to put a new roof on, repair and paint the Household Arts building of the College of Industrial Arts, and declaring an emergency," with amendments.

H. B. No. 48, A bill to be entitled "An Act providing for the removal of any public officer for intoxication, and declaring an emergency."

H. J. R. No. 16, Proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under State control, of a State system of public highways; authorizing the Legislature to provide for the issuance of bonds of the State or other form of indebtedness, for the construction of a State system of public highways, and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expenses of said election, with amendments.

The Senate has passed

S. C. R. No. 24, In reference to the appointment of a porter by the Lieutenant Governor and the Speaker, to look after the legislative halls used by the two houses between sessions of the Thirty-eighth Legislature.

The Senate has refused to concur in House amendments to Senate bill No. 268, and request of the House the ap-

pointment of a Free Conference Committee to adjust the differences. The following are appointed on behalf of the Senate:

Senators Wood, Floyd, Davis, Burkett and Bledsoe.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

RELATING TO SUSPENSION OF JOINT RULES.

Mr. Sanford offered the following resolution:

H. C. R. No. 33, Relating to the suspension of Rules.

Be it resolved by the House, the Senate concurring, That Section 11 of the Joint Rules be and the same is hereby suspended for the consideration of House bill No. 44, Senate Joint Resolution No. 20, House bill No. 381, House bill No. 40 and House bill No. 511 by the House and Senate.

The resolution was read second time.

Mr. Quinn offered the following amendment to the resolution:

Amend the resolution so as to include Senate bill No. 288.

On motion of Mr. Quaid, the amendment was tabled.

Mr. Jones offered the following amendment to the resolution:

Amend resolution by adding House bill No. 40.

The amendment was adopted.

Mr. Kemble offered the following amendment to the resolution:

Amend by adding House bill No. 381.

The amendment was adopted.

Mr. Quaid offered the following amendment to the resolution:

Amend by adding House bill No. 511

The amendment was adopted.

Mr. Jones moved the previous question on the pending resolution and the main question was ordered.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 412 WITH SENATE AMENDMENTS.

Mr. Moore called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 412, A bill to be entitled "An Act appropriating the total sum of twenty-six hundred and eighty-eight (\$2688) dollars to Carl L. Estes, former sergeant of Troop L, Fifth Texas National Guard Regiment, for his care and provision, and as partial compensation

for permanent physical disability incurred in line of military duty while in the service of the State of Texas at Camp Stanley, Texas, in October, 1918. Of said total appropriation, the sum of five hundred and twenty-eight (\$528) dollars being for a deficiency from the period of November 1, 1919, to November 30, 1921, and the sum of twenty-one hundred and sixty (\$2160) dollars being for the care, provision and partial compensation of said Carl L. Estes from December 1, 1921, to and including December 31, 1924."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Moore, the House concurred in the Senate amendments.

HOUSE BILL NO. 34 WITH SENATE AMENDMENTS.

Mr. Quaid called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 34, A bill to be entitled "An Act making an appropriation of three hundred thousand (\$300,000) dollars to build and equip an Administration Building at the North Texas State Normal College, Denton, Texas, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Quaid, the House concurred in the Senate amendments.

HOUSE BILL NO. 35 WITH SENATE AMENDMENTS.

Mr. Quaid called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 35, A bill to be entitled "An Act to make emergency appropriation to enlarge and make adequate the central heating and power plant of the Household Arts Building of the College of Industrial Arts and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Quaid, the House concurred in the Senate amendments.

HOUSE BILL NO. 188 WITH SENATE AMENDMENTS.

Mr. Kemble called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 188, A bill to be entitled "An Act to establish a system of public roads and bridges for Tarrant county and to empower the commissioners court thereof to provide rules and regulations therefor and a system for the construction of such roads and bridges, the maintenance and repair thereof, and to condemn private property for such purposes; to constitute each county commissioner ex-officio commissioner of the public roads and bridges of his precinct, and to prescribe the powers and duties of the county commissioners; to authorize and regulate the issuance and sale of bonds under this act and to provide other forms of indebtedness and for the levy of taxes for such purposes, and to allow the issuance of bonds for the purpose of funding or refunding any bonded or other indebtedness heretofore or hereafter incurred by said county; to regulate the expenditure of moneys arising from the sale of such bonds, and from the levy of taxes for roads and bridges purposes; to designate and define certain cardinal roads in the county; to provide for the selection of a county engineer and for the employment of a consulting engineer; to employ special counsel for the county; to empower the commissioners court to make such contracts with respect to the construction, maintenance or repair of roads and bridges that may be necessary, and to employ the convicts of said roads and to provide for the compensation of the commissioners for the performance of their duties under the terms of this act, and repealing all laws in conflict with the provisions hereof, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Kemble, the House concurred in the Senate amendments.

HOUSE BILL NO. 499 WITH SENATE AMENDMENTS.

Mr. Barker called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quails and doves in Grayson and Collin counties; providing penalties for violation of same; providing that road runners and chapparrals may be killed at any time, and providing that if any section or part of section of this act be

declared unconstitutional, the remainder of such act shall remain in full force and effect adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Barker, the House concurred in the Senate amendments.

CONFERENCE COMMITTEE ON SENATE BILL NO. 164.

Mr. Melson called up from the Speaker's table, for consideration at this time, the request of the Senate for a Free Conference Committee on Senate bill No. 164.

The Speaker laid the request of the Senate before the House.

Question—Shal' the request be granted?

Mr. Melson moved that the request be granted.

The motion prevailed.

In accordance with the above action the Speaker announced the appointment of the following Conference Committee on the part of the House on Senate bill No. 164:

Messrs. Melson, Satterwhite, Wallace, Sackett and Moore.

CONFERENCE COMMITTEE ON SENATE BILL NO. 268.

Mr. Sackett called up from the Speaker's table, for consideration at this time, the request of the Senate for a Free Conference Committee on Senate bill No. 268.

The Speaker laid the request of the Senate before the House.

Question—Shall the request be granted?

Mr. Sackett moved that the request be granted.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on the part of the House on Senate bill No. 268:

Messrs. Sackett, Blount, Stewart of Jasper, Teer and Stephens.

REQUESTING RETURN OF HOUSE BILL NO. 375.

Mr. Patterson offered the following resolution:

H. C. R. No. 34, Requesting return of House bill No. 375.

Be it resolved by the House, the Senate concurring, That the Governor be requested to return House bill No. 375 to the House for correction.

The resolution was read second time and was adopted.

RELATING TO QUORUM IN SPECIAL SESSION.

Mr. Carpenter of Dallas offered the following resolution:

Whereas, The Governor of Texas has by proclamation called the Legislature to convene on Thursday next at 10 o'clock a. m.; and

Whereas, An organization of the House will be impossible unless there be a quorum present; now, therefore, be it

Resolved, That the House take a vote of those present, it being understood that those who vote present pledge themselves upon their honor that they will be present Thursday morning at 10 o'clock for the purpose of assisting in organizing the House.

Signed—Carpenter of Dallas, Arnold, Carter of Coke, Rountree, Stell, Wessels, Bird, Thrasher, Lackey, Amsler, Morgan of Liberty, Gipson, Rogers, Kemble, McBride, Stewart of Jasper, LeStourgeon, Perdue, Culp, Carson, McNatt, Jennings, Merritt, Finlay, Pate, Cable, Sanford, Patman, Russell of Callahan, Price, Young, Irwin, Howeth, Sweet, Covey, Barker, Patterson, Carpenter of Matagorda, Melson, Downs.

The resolution was read second time.

Mr. Carpenter of Dallas moved a call of the House for the purpose of maintaining a quorum pending consideration of the resolution, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Carpenter of Dallas, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

Mr. Hardin of Kaufman offered the following amendment to the pending resolution:

Amend the resolution by adding, "Be it further resolved that it is the sense of this House that we should adjourn sine die Thursday."

Mr. Carpenter of Dallas moved the previous question on the pending amend-

ment and the resolution, and the main question was ordered.

Question first recurring on the amendment by Mr. Hardin of Kaufman, it was lost.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—96.

Mr. Speaker.	McDaniel.
Abney.	McDonald.
Amsler.	McFarlane.
Arnold.	McNatt.
Atkinson.	Martin.
Barker.	Mathes.
Barrett.	Merritt.
Bell.	Moore.
Bird.	Morgan
Blount.	of Liberty.
Bonham.	Morgan
Bryant.	of Robertson.
Burmeister.	Pate.
Cable.	Patman.
Carpenter	Patterson.
of Dallas.	Perdue.
Carpenter	Pinkston.
of Matagorda.	Pope.
Carson.	Potter.
Carter of Coke.	Price.
Chitwood.	Rice.
Coffee.	Robinson.
Covey.	Rogers.
Culp.	Rountree.
Davis.	Russell
Dinkle.	of Callahan.
Downs.	Sackett.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Dunn.	Shires.
Edwards.	Simpson.
Faubion.	Smith.
Fields.	Sparkman.
Finlay.	Stell.
Fugler.	Stewart
Gipson.	of Edwards.
Hardin of Erath.	Stewart of Jasper.
Harris.	Stewart of Reeves
Howeth.	Storey.
Irwin.	Stroder.
Jennings.	Sweet.
Kemble.	Teer.
Lackey.	Thrasher.
Laird.	Turner.
Lamb.	Wallace.
Lane.	Wells.
LeMaster.	Westbrook.
LeStourgeon.	Williamson.
Lewis.	Wilson.
Looney.	Young.
McBride.	

Nays—11.

Baker of Milam. Baker of Orange.

Beasley.	Purl.
Hardin	Quinn.
of Kaufman.	Stiernberg.
Jones.	Wessels.
Melson.	Winfree.

Present—Not Voting.

Green.

Absent.

Baldwin.	Hull.
Carter of Hays.	Jacks.
Collins.	Loftin.
Davenport.	McKean.
Greer.	Maxwell.
Harrington.	Pool.
Henderson	Quaid.
of McLennan.	Stevens.
Hendricks.	Vaughan.
Hughes.	

Absent—Excused.

Avis.	Houston.
Bobbitt.	Johnson.
Brady.	Lusk.
Cowen.	Merriman.
Crawford.	Miller.
DeBerry.	Montgomery.
Dielmann.	Rowland.
Dodd.	Russell of Trinity.
Durham.	Strickland.
Frnka.	Thompson.
Henderson	Wilmans.
of Marion.	

RELATING TO TEXT BOOK CONTRACT INVESTIGATION.

Mr. Pope offered the following resolution:

H. C. R. No. 35, Relating to investigating text-book contract.

Whereas, Under and by virtue of House concurrent Resolution No. 4, duly adopted at this session of the Legislature, a joint committee consisting of five members of the House of Representatives and three members of the Senate was appointed with power, authority and instructions to make investigation, among other things, into the matter of awarding of text book contracts by the State Text Book Commission in December, 1922; and

Whereas, Said committee has been engaged in said work, collecting documentary and other evidence, but because said resolution was adopted so late in the session, and because the present session will shortly adjourn sine die, leaving insufficient time for said committee to make thorough investigation into the matters committed to it in said House concurrent resolution No. 4 and make report to this session, so that same can be considered and action taken thereon

at this session of the Legislature; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That said joint committee be, and it is hereby authorized, empowered and directed to continue with its work and make said investigations under the terms and provisions of said House concurrent resolution No. 4 during vacation after the present session of the Legislature shall have adjourned sine die and before the First Called Session of the Thirty-eighth Legislature, or during the First Called Session, if same continue in session for a sufficient period of time, and if not, then after the sine die adjournment of such First Called Session, and make its report, findings and recommendations based upon said investigation to the next following Called Session of the Legislature.

That if said investigation be conducted during vacation, the members of said joint committee shall, for their services on said committee during vacation, receive the same per diem compensation as is allowed them while the Legislature is in session, and they shall also receive their actual and necessary traveling, hotel and other necessary expenses in connection with said work, to be paid out of the contingent expense fund of the Thirty-eighth Legislature upon sworn statements approved by the chairman of the joint committee.

That said committee, on completion of its investigations, shall file one copy of its report with the Governor of Texas, one copy with the President of the Senate, and one copy with the Speaker of the House of Representatives. That a majority of said joint committee shall have power to make said report, but any member or members thereof may, if they so desire, prepare and file minority reports.

The resolution was read second time and was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 45.

The Speaker laid before the House, for consideration at this time, the following report:

Austin, Texas, March 13, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your joint conference com-

mittee, have had House bill No. 45 under consideration and beg leave to report same back after adjusting all differences of the two houses, and recommend that the following substitute bill do pass:

A BILL

To Be Entitled

An Act to prevent the selling of bass, white perch, crappie, channel or other catfish in the counties of Burnet, San Saba, Brown, McCulloch, Edwards, Coleman, Concho, Menard, Gillespie, Sutton, Kinney, Uvalde, Real, Kerr, Val Verde, Bandera, Comal, Reeves, Ward, Loving, Pecos, Medina, Cherokee, Hunt, Runnels, Rains, Kimble, Williamson, Houston, Zavalla, Dimmit, Wood, Milam, Travis, Lampasas, Llano and Mason, State of Texas; prohibiting the use of any seine, net, trap or other device, for taking or catching fish other than a minnow seine which shall not be more than twenty feet in length; limiting the size of fish which may be taken with a minnow seine; punishing persons who wilfully permit such fish to die out of the water; limiting the number of such fish any one person is allowed to catch in said counties in any one day to thirty-five (35); making it unlawful to violate any of the provisions of this act; providing penalties for the violation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall sell or offer for sale any bass, white perch, crappie, channel or other catfish, caught, trapped or ensnared in the counties of Burnet, San Saba, Brown, McCulloch, Edwards, Coleman, Concho, Menard, Mason, Gillespie, Kimble, Sutton, Kinney, Uvalde, Real, Kerr, Comal, Val Verde, Bandera, Reeves, Ward, Loving, Pecos, Medina, Cherokee, Hunt, Runnels, Rains, Williamson, Houston, Zavalla, Dimmit, Wood, Milam, Travis, Lampasas and Llano, State of Texas, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than fifty dollars.

Sec. 2. It shall be unlawful for any person to take or catch any fish in the fresh water rivers, creeks, lakes, bayous, pools or lagoons in the counties above named by any other means than by or-

inary hook and line or trot line or artificial bait, and it shall be unlawful for any person to place in the fresh water rivers, creeks, lakes, bayous, pools or lagoons of the counties above mentioned, any seine, net or other device or trap for taking or catching fish; provided, however, that persons may use a minnow seine which is not more than twenty feet in length for the purpose of catching minnows for bait. Provided, that in seining for minnows for bait as herein permitted, all fish and minnows more than three inches in length shall be returned to the water at once while alive. No person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than five dollars nor more than one hundred dollars.

Sec. 3. It shall be unlawful for any person to take from the public fresh waters of the counties above mentioned more than 35 of such fish in any one day. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined any sum not less than five (\$5) dollars nor more than one hundred (\$100) dollars. Each such fish so taken in excess of the number herein allowed shall constitute a separate offense.

Sec. 3a. It shall be unlawful for any person, or persons, knowingly to place, throw or deposit upon the banks or grounds adjacent to any of the public fresh water creeks, lakes, bayous, rivers, pools, lagoons or tanks in the counties above named any catfish, perch, crappie, white perch, bass, trout, or other edible fish, and leave such fish to die without any intent upon the part of such persons either to eat such fish, or use same for bait. Any person found guilty of the violation of any provision of this section shall be fined in any sum not to exceed twenty-five (\$25) dollars. Each fish so allowed to die shall constitute a separate offense.

Sec. 4. The fact that the present law is inadequate to protect the fish in the waters of the above mentioned counties creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force

from and after its passage, and it is so enacted.

Respectfully submitted,

WOOD,
BAUGH,
RICE,
THOMAS,
DAVIS,

On the part of the Senate.

STEWART of Edwards,
THRASHER,
FAUBION,
FINLAY,

STEWART of Reeves,

On the part of the House.

On motion of Mr. Faubion, the report was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 690.

The Speaker laid before the House, for consideration at this time, the following report:

Committee Room,

Austin, Texas, March 13, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee appointed to consider the differences between the two houses on

H. B. No. 690, A bill to be entitled "An Act to provide for the appointment of a commission to revise and digest the general laws of Texas; defining their powers and duties, and fixing the compensation of said commission; directing the commission to embody the revision in their report in the form of bills for adoption by the Legislature; authorizing the publication of the bills, and making appropriation for the purposes defined in this act, and declaring an emergency,"

Having met, and after full and free conference, have agreed to make, and do make, the following recommendations, to wit:

(No. 1.)

That the Senate recede from its amendments Nos. 1 and 2, which are as follows:

1. Amend the bill by striking out the figures "\$7500" wherever they occur in the bill and insert in lieu thereof the figures "\$5000" in Section 7 of the bill.

2. Amend House bill No. 690, Section 1, by adding after the word "pro-

fession" the following: "and who have had ten years' experience as attorneys."

(No. 2.)

That the Senate and the House of Representatives agree to the following amendments:

1. After the words "eminent in their profession" in Section 1 of House bill No. 690 add the following: "and having the qualifications of judges of the Supreme Court as prescribed in Article 1514 of the Revised Statutes of 1911."

2. Strike out the words "each member of the Commission shall receive an annual salary of seven thousand five hundred dollars" in Section 7 of House bill No. 690 and insert the following: "The member of the Commission designated by the Governor as the chairman of said Commission shall receive an annual salary of seven thousand five hundred dollars and each of the other two members of said Commission shall receive an annual salary of six thousand dollars."

All of which we respectfully submit.

DAVIS,
BAILEY,
TURNER,
BLEDSOE,
BURKETT,

On the part of the Senate.

PATMAN,
JENNINGS,
JONES,
QUAID,
MATHES,

On the part of the House.

On motion of Mr. Patman, the report was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 622.

The Speaker laid before the House, for consideration at this time, the following report:

Committee Room,

Austin, Texas, March 10, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee selected and appointed to adjust the difference between the Senate and House on

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet county, Texas, including the present Spice-

wood District No. 21 of said county; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the general laws of Texas, providing that the board of trustees of the present Spicewood District No. 21 shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

Have had the same under consideration and beg leave to report as follows, to-wit:

First, we have agreed that the Senate will recede from its amendment adding Section four (4) to the bill.

Second, we have agreed and recommend that the bill be passed without said Senate amendment.

Respectfully submitted,
STUART,
STRONG,
WIRTZ,

On the part of the Senate.

TEER,
COWEN,
THRASHER,
SHEARER,

On the part of the House.

On motion of Mr. Faubion, the report was adopted.

HOUSE JOINT RESOLUTION NO. 16 WITH SENATE AMENDMENTS.

Mr. Burmeister called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. J. R. No. 16, Proposing an amendment to the Constitution by adding a new section directing the Legislature to provide for the construction, operation and maintenance, under the control of the State, a system of public highways.

The Speaker laid the resolution before the House and the Senate amendments were read.

On motion of Mr. Burmeister, the House concurred in the Senate amendments.

RELATING TO TEXAS EMPLOYERS' INSURANCE ASSOCIATION.

The Speaker laid before the House the report of the special committee to investigate the Texas Employers' Insurance Association.

On motion of Mr. Rogers, the report

was received and the committee discharged.

RELATING TO SELECTION OF SITE FOR STATE PARK.

The Speaker laid before the House the report of the special committee to investigate the site for a State park.

On motion of Mr. Stewart of Reeves, the report was received and the committee discharged.

PROVIDING FOR PORTER.

Mr. Rogers offered the following resolution.

S. C. R. No. 24, Providing for porters:

Resolved by the Senate, the House of Representatives concurring, That the Lieutenant Governor and the Speaker of the House be authorized to select a porter to look after the Senate Chamber and the Hall of the House of Representatives and adjoining rooms used by the two houses between sessions of the Thirty-eighth Legislature, which said porter shall be under the supervision of the Board of Control, and shall receive for his services \$3.00 per day, to be paid out of the contingent fund of the Senate and House of the Regular Session.

The resolution was read second time.

On motion of Mr. Satterwhite, the resolution was laid on the table subject to call.

NOTICE GIVEN.

Mr. Satterwhite gave notice that he would on tomorrow call up for consideration at that time Senate concurrent resolution No. 24, which resolution has heretofore been laid on the table subject to call.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 13, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate bill No. 370.

The Senate has granted the request of the House for a Free Conference Committee on House bill No. 690, and the following are appointed on the committee on behalf of the Senate:

Senators Burkett, Davis, Bledsoe, Bailey and Turner.

The Senate has passed
H. C. R. No. 34, Relating to the return of House bill No. 375 to the House from the Governor for correction.

The Senate has adopted the Free Conference Committee report on House bill No. 45.

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

RECESS.

On motion of Mr. Morgan of Robertson, the House at 6:15 o'clock p. m. took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE TO INVESTIGATE SITE FOR STATE PARK.

Austin, Texas, March 10, 1923.

To the Thirty-eighth Legislature of Texas.

Gentlemen: We, your committee appointed under the authority of the House and Senate resolution, beg to report that after the appointment of the respective committees of the House and Senate and by the committee of the House and Senate, the Commissioner of the General Land Office, J. T. Robison, was invited to accompany them on the trip that was proposed by the resolution to assist them in the inspection of Palo Duro Canyon, the Davis Mountains and Frio Canyon for the purpose of determining their eligibility as sites for State parks, this being the duty of the committee under the resolution adopted.

The Senate committee was composed of Lieutenant Governor Lynch Davidson and Senators T. W. Davidson of Marshall, Harrison county; R. M. Dudley of El Paso, El Paso county; John H. Bailey of Cuero, DeWitt county; H. L. Darwin of Paris, Lamar county; E. A. Wood of Granger, Williamson county, and I. D. Fairchild of Lufkin, Angelina county.

The House committee was composed of Speaker Charles G. Thomas of Lewisville, Denton county; J. W. Hall of Humble, Harris county; John Davis of Dallas, Dallas county; Newt B. Williams of Waco, McLennan county; Dr. A. R. Shearer of Mont Belvieu, Chambers county, and your present Speaker, Hon. R. E. Seagler of Palestine, Anderson county.

Senators D. McMillin of Van Alstyne, Grayson county, and C. F. Richards of Lockhart, Caldwell county, were appointed by the Lieutenant Governor after Senator Bailey and Governor Davidson could not go and perform their duties as were provided under the resolution, and the Hon. Sam Lackey of Cuero and Representative J. E. Quaid of El Paso were appointed instead of J. W. Hall and John Davis after it was ascertained they were unable to perform their duties as provided under the resolution.

The joint committees met at Fort Worth, September 18, 1921, at which time they organized and Senator I. D. Fairchild of Lufkin was elected chairman to succeed Lieutenant Governor Davidson, who was unable to make the inspection. Mr. Raymond Brooks, a newspaper man and secretary of the Board of Managers of the State Railroad, was elected secretary.

At this time and from this place the committee proceeded on their inspection and investigation of the various localities mentioned in the resolution, and made their first stop at Amarillo, Texas, at which place they were met by the city authorities and the chamber of commerce, and here Senator W. H. Bledsoe of Lubbock and Representative H. B. Hill of Wheeler county, as well as Representative Burke Mathes of Plainview and the Hon. Lee Satterwhite of Potter county, joined the committee and assisted them in the inspection of the Palo Duro Canyon, in Randall county.

After inspecting the Palo Duro Canyon, the committee proceeded to Pecos, in Reeves county, via El Paso, on which route they had to traverse New Mexico.

While waiting overnight for train connections at El Paso the committee were treated to the sights of Juarez, Mexico.

At El Paso former Speaker R. E. Thomason and Representative Adrian Pool joined the committee and accompanied them while in the Trans-Pecos country.

At Pecos the committee was joined by Representative Chitwood of Sweetwater, Nolan county; W. W. Stewart of Balmorhea, Reeves county, and others, among whom was Mr. O. B. Webb, assistant general passenger agent of the Texas & Pacific Railroad. Here the committee and their guests were furnished automobile transportation for the Davis Mountains inspection. The route carried the committee by the way of Balmorhea to Colonel W. L. King-

ston's ranch home at the mouth of the Madeira Canyon, some seventy miles from Pecos. After spending the night at this ranch home and in camp nearby, the committee's real trip began. The Davis Mountains were covered from the east side to the west side, after arduous trips into the canyon and on top of some of the mountains by means of cow ponies.

From Madeira Canyon the committee drifted south, passing the mouths of the Big and the Little Aguja Canyons, across to Lympia Canyon on to Fort Davis, and from there on up Lympia, topping out onto a mesa seven thousand five hundred feet high, from which could be seen higher mountains in the distance. Your committee will not attempt to describe the indescribable things they saw, but will be content to leave the description of this area and the balance of the trip to the get-away at Alpine to Mr. O. B. Webb, who contributed an article descriptive in character to the Dallas News, and we suggest that everyone interested in these matters read that article which is attached to this report.

On completing the Trans-Pecos or Davis Mountain area, only a few members went into the Frio River Canyon country in Real county. In this area is some of the most beautiful small scenery to be found in this State, and with an abundance of running water.

Without going into too much detail, your committee would conclude by saying that Texas has the physical scenery—though not quite so high up nor quite so low down as a few other localities—that is splendidly adapted to park purposes, and could be converted into most beautiful parks for play and pleasure. Especially they are in sufficient area in the Davis Mountains and the Frio Canyon country, which, if properly developed, would be a beauty spot that would attract the tourist as does the northwest part of America at present, and by so doing a large part of the pleasure money now spent elsewhere by Texans would be retained at home and augmented by strangers. Our State should have long ago established parks in these areas and smaller parks in East and Central Texas while it owned the land, but it is not yet too late for it to acquire suitable areas on reasonable terms.

Your committee cannot accurately describe the mountain scenery, the beautiful running streams, the purity of the atmosphere and the beautiful rock cliffs

found in the Davis Mountains on this investigation trip. Believing as we do, and after nature has been so kind to the people of Texas as to give them such spots as the Davis Mountains, where a State park could be located, and believing, too, that when same is thoroughly developed and beautified, it will excel the Colorado playgrounds, and will be very, very much more accessible to the people of our own beloved State, we are of the opinion that it is not only our privilege, but it is our duty as Texas citizens, to make provisions to locate a State park in or near the Davis Mountains section of the State of Texas. And believing that now, or in the near future, is the time to do it, we therefore recommend that this and all future Legislatures give this matter serious attention, and provide in some way for State parks and game preserves in this State of ours.

FAIRCHILD,
DAVIDSON,
DUDLEY,
DARWIN,
McMILLIN,
RICHARDS,

On part of the Senate.

THOMAS,
SEAGLER,
LACKEY,
SHEARER,
QUAID,
WILLIAMS,

On part of the House.

DAVIS MOUNTAINS PROVE REVELATION.

By O. B. Webb.

When Representative Stewart of Balmorea introduced his resolution during the last session of the Texas Legislature looking to the appointment of a committee to go into the possibilities of establishing a great State park or playground in Western Texas, I doubt if he, or any of his colleagues, realized the full significance of what was taking place. Certainly, when the committee itself, accompanied by a steadily increasing bunch of enthusiasts, unloaded from the Texas & Pacific train at Pecos Thursday afternoon, September 22nd, none of its members were prepared for what they were to find in the Davis Mountains during those history-making four days which followed—for the wild ruggedness, the majestic, awe-inspiring grandeur of the Madeira and Big Aguja Canyons, or the indescribably glorious beauty of the

Enchanted Mesa, the actual contact with which made us gasp and take off our hats and marvel that such things could have been, right here in Texas, within a few miles of our own homes, all these years and we never knew it!

The legislative committee consisted of six Senators and six members of the House, headed by Senator I. D. Fairchild of Lufkin as chairman, backed up by Senators Dudley of El Paso, Darwin of Paris, Davidson of Marshall, McMillin of Whitewright and Richards of Lockhart, with Representative Thomas of Lewisville, Speaker of the House; Shearer of Mont Belvieu, Seagler of Palestine, Quaid of El Paso, Lackey of Cuero, Williams of Waco, Chitwood of Sweetwater and Stewart of Balmorhea. The party also included Ex-Speaker R. E. Thomason of El Paso, Land Commissioner Robison of Austin; Jack Sheehan, representing the Rotary Club, Harvey Wilson the Ad Club, and Ted Read the American Association of Engineers, all of El Paso, with representatives from the State Forestry Department, the State Highway Department, the Old Spanish Trail, the press and the railways.

Entertainment at Ranch.

Starting from Pecos Thursday afternoon, the fifty-six-mile run to Kingston's ranch, at the mouth of Madeira Canyon, was made for supper. A rainstorm breaking loose in the mountains ahead, just before dark, had turned the ruts in the wagon road into two silvery streams shining through the dusk, marking the road clearly enough, but softening the going and catching low-slung on high centers in a most distressing way, and it was nine o'clock before the last of the party lined up at the chuck wagon for their first taste of Ranchman W. L. Kingston's hospitality, which, as the days passed, proved to be of a character in keeping with the size of the Kingston ranch and of the mountains themselves.

Driven from our tents by the rain that first night, Mrs. Kingston took care of twenty-three of the party in her spacious ranch home, making no more of it than we would over having a friend spend the night with us. Next morning Colonel Kingston (who with George Clements of Balmorhea and Walter Sutherland of the Pecos Chamber of Commerce looked after the local details) had some forty or fifty sure-footed mountain ponies lined up for the party, and the entire outfit struck out up the

Madeira Canyon, many of them astride a horse for the first time in years and with sad misgivings as to the result.

Once in the canyon, however, everything else was forgotten, as the majestic beauty of crag and canyon and stream unfolded before us; on either hand towering walls shut out the sun (which only penetrates the lower reaches of the canyon for three or four hours in the middle of the long summer day) and the tang in the breeze floating down the canyon reminded us of our 5000-foot altitude and the fact that we were "going up." Most of us had changed to our heavy underwear the night before and the cowboys had fixed us with "chaps" and other fittings to keep the catclaws from tearing our legs to pieces, so with the continuous performance of holding on and trying to steer our ponies, we were kept warm enough.

Bee Hive in Canyon Wall.

The cowboys called our attention to a hole in the canyon wall, some two hundred feet above us, from which a queer whitish stream seemed to have run down, explaining that this hole was large enough for a man to stand up in, and that it contained an enormous beehive, with vast quantities of honey, from which the whitish stream oozed; that at various times the cowboys had tried to reach the honey, but it is impossible from below, and the overhanging wall prevents anyone from being let down with a rope from above. This catclaw honey (taken by the bees from the flower of the catclaw, that deadly little brier or bush, which, waist high, reaches out and tears ordinary clothing to pieces) is exceptionally delicious, as we were to find later from the supply furnished our camp by Mrs. Kingston and our good friends at Fort Davis, who entertained us so royally.

Farther up stream, where the canyon widened, we noticed little white specks far up the mountain side, which our cowboy friends said were goats belonging to Will Kingston; some 600 of them in all, grazing up there under the care of a wonderful sheep dog, aided by an old Mexican who lives in the only human habitation we saw in the canyon.

After about five miles of this wonderful gorge, Colonel Kingston announced we would "top out," so each man tightened his pony's girth and up we went—those wonderful little beasts crawling, jumping, zigzagging up the sides of the canyon like mountain sheep,

stopping every few minutes for breath, but mounting steadily despite the terrific strain. As the grade was about seventy-five per cent, it was comical to watch our two heavy weight Senators (each of whom weighed better than 225) trying to glue themselves to the saddle, or it would have been if the rest of us had not been so busy holding on ourselves.

High Peak Reached.

Arriving at the top we crossed a wonderful mesa, through pinion and juniper trees and on up to a peak some 7500 feet above sea level; then back to the canyon's rim at a point about five miles above where we had topped out—and the descent was begun; a hair-raising process—our ponies climbing around under the base of the rim rock, where a misstep would have sent pony and rider down some 500 feet to the tiny silver thread in the canyon below—and heading downward, Indian file, zigzagging back and forth, picking their way, step by step.

At a point just opposite where we started down another canyon breaks out of the Madeira; and as we faced around under the rim rock, looking across into the mouth of this other canyon, the view was sublime—indescribable. These mountains are not as high as Colorado's. Mount Livermore is only 8336 feet, and Saw-Tooth Mountain slightly lower, and the canyons are not as deep, but the same majestic grandeur is there; the same primeval ruggedness and gorgeous wildness and all the sensations Colorado can give may be had right here in these wonderful Davis Mountains of ours; every member of the party will testify to that, including the hair-raising sensation of having your pony slip, then catch itself and stand for a moment trembling on a little rock, the falling from which would shoot both pony and rider into eternity through several hundred feet of ether.

An Exciting Ride.

After reaching the bottom, and a strenuously exciting ride back down the canyon, we reached camp at 5 o'clock, tired, sore and hungry, having had nothing to eat since daylight, but gloriously content; for we had seen with our own eyes wonders that will some day, we hope, bring happiness to untold thousands of Texas boys and girls and men and women who would otherwise never see a mountain or canyon.

Saturday morning we were up at day-

light. Passing through Beau McCutcheon's splendid ranch and around the foot of Star Mountain, we struck Lympia Canyon, very beautiful in its way, but not so impressive as Madeira or Big Aguaja. Leaving the canyon just north of Fort Davis, we passed apple orchards rivaling those of the famous Hood River country in Oregon. One man, we were told, sold \$15,000 worth of apples last year off his eighteen-acre orchard, and Mr. Bird has already sold \$6000 worth this year off one corner of his twenty-three-acre orchard, which is one of the most perfectly kept and produces the finest quality of fruit I ever saw.

Arriving at Marfa, some fifty miles to the south of the mountains, at noon, we were delightfully entertained by those hospitable Marfa folk, after which we headed for Fort Davis, where we camped in Lympia Canyon Saturday night. Sunday morning up the canyon to Indian Trail and out onto the marvelous Enchanted Mesa, surely one of the most beautiful spots of its kind in the world. Up above the clouds (and our overcoats were comfortable) as the sun would break through, giving us glimpses of the magnificent panorama spread out below—the view was superb. Then we wandered around the base of the peak, to where Big Aguaja Canyon, which they claim is even more beautiful than the Madeira, breaks out from the mesa; and standing there looking out on the solemn beauty of it all, with an eagle wheeling lazily from crag to crag and on across the mouth of the canyon to another on the other side, it seemed unbelievable that we were only an overnight's run from Dallas and home, that leaving Dallas in the afternoon a person could be in one of these marvelous canyons by 10 o'clock next morning. But such is the case.

Entertained at Alpine.

Monday morning the party trekked for Alpine, under the leadership of Jack Allen, Jim Pouncey and President Marquis of the Sul Ross Normal, all three of whom had proven themselves royal hosts from the time we hit the mountains; passing through various small canyons and around the base of Mitre Peak, the top of which shows like a big chocolate drop above the other mountains for fifty miles and which we were told has a large number of deer living in the timber on its upper reaches, and arriving at Alpine at noon. Here we were royally entertained by President Marquis

and his faculty at the Sul Ross Normal, a magnificent building, beautifully situated on the side of a mountain overlooking the town.

As to just how the actual establishment of a State Park in the Davis Mountains is to be brought about is a matter for the future. Many things will have to be worked out first, and it will take time, but every man on the committee and accompanying it would be almost criminal, in view of what we had seen of the natural glories of the Davis Mountains, for everyone of us not to do everything in his power not to help give this mountain fairyland to the people of Texas as a playground, thus opening the door to happiness for hundreds of thousands who cannot afford a trip to Colorado or California or the Canadian Rockies, and would otherwise never see a mountain or canyon.

The northern entrance is already accessible via the Texas & Pacific Railway to Pecos, thence the little Pecos Valley Southern Railway, which runs some fifty miles south from Pecos to a point only a few miles from the mouth of Madeira Canyon. From the south good roads lead from Alpine and Marfa to the southern entrance, either direct or via Fort Davis. The natural beauty of the mountains is such that nothing need or could be done to improve it except in the improving of roads already existing and in creating new ones, and later on in the erection of lodges or mountain inns and cottages, and in providing for proper care of the park after being established. The thing is bound to come, sooner or later. Let us hope it will be sooner and that within these next few years we will see a miniature Rocky Mountain National Park established as our own State Park right here in Texas.

REPORT OF COMMITTEE TO INVESTIGATE ELEEMOSYNARY INSTITUTIONS.

Austin, Texas, March 6, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives, Thirty-eighth Legislature.

Sir: We, the members of the special Committee on Eleemosynary and Reformatory Institutions, beg leave to submit the following preliminary report with reference to the Girls' Training School located at Gainesville. The committee has held several executive sessions for the purpose of obtaining testimony, beginning at Gainesville on Saturday,

February 17th, and concluding at Austin on Saturday, March 3rd. The first hearing was held at the courthouse in Gainesville, Saturday morning, February 17th, and the witnesses heard were as follows:

Hon. G. W. Dayton, county judge of Cooke county.

Hon. W. D. Garnett, attorney at law, of Gainesville, Texas.

Mrs. E. B. Gorsline, Jr., secretary Municipal Welfare Board, Wichita Falls, Texas.

Nettie Hand, a 17-year-old girl, who had escaped from the Girls' Training School and was being returned in charge of Mrs. Gorsline.

Hon. J. A. Thomas, mayor of the city of Gainesville, and

W. A. Gardner, a farmer living near Gainesville.

Just before noon the committee drove out to the Training School, arriving there without notifying any of the officials of the institution, and, dividing into three sub-committees, each sub-committee went to a different cottage for lunch. The food served was simple but well cooked and sufficient in quantity. A close inspection of the buildings and equipment of the institution followed. The superintendent and matrons are deserving of the highest commendation for the excellent condition in which said buildings and equipment were found. In the course of the executive session held at the institution on Saturday afternoon, February 17th, Miss Mathilde A. Schwerdt, parole officer, and Dr. Carrie Weaver Smith, superintendent, were the principal witnesses. On the matter of parole, the parole officer was questioned in detail and records were carefully examined. Returning to Gainesville, we held a second hearing at the courthouse Saturday night, February 17th, at which time witnesses were heard as follows:

Hon. Fred E. Wankan, county attorney, Cooke county.

Rev. Minor Bounds, pastor First M. E. church of Gainesville.

Hon. A. L. Gettys, former county attorney of Cooke county.

Dr. Rufus C. Whiddon, staff surgeon for the Girls' Training School, and

Police Chief Doc Dudley of Gainesville.

These witnesses were questioned at length with reference to moral conditions surrounding the institution.

Monday, February 19th, was devoted to an executive session held at the

courthouse in Dallas, witnesses being as follows:

F. A. Craven, chief probation officer of McLennan county.

Miss Mary Willard, former parole officer at the Girls' Training School.

Goldie May Morgan, a former inmate of the Girls' Training School.

S. S. Ogilvie, former chief probation officer of Tarrant county.

R. L. Chick, chief probation officer of Dallas county.

Mrs. Lillie Pearson Wiley, probation officer of Dallas county.

Mrs. John W. Smith, former matron at Girls' Training School.

Mrs. S. A. Hayden, probation officer in charge of juvenile work for Dallas county, and

Hon. Arch C. Allen, probate judge of Dallas county.

Succeeding hearings have been held at Austin, and witnesses heard as follows:

Hon. Hugh C. Small, former probate judge of Tarrant county.

Senator S. B. Cowell, chairman, Board of Control, and

Dr. H. H. Harrington, member Board of Control.

Dr. Carrie Weaver Smith was also heard a second time.

The testimony of twenty-six witnesses has been written into the record and many additional persons were heard informally by members of the committee. The parole system in vogue at the Girls' Training School, and the discipline and restraint of inmates were deemed of primary importance by the committee, and therefore received careful and comprehensive consideration.

The testimony indicated that criticism directed toward the Girls' Training School comes for the most part from probate judges, probation officers and citizens of Gainesville, and the committee finds the following facts warranted by said testimony, viz:

1. The superintendent and officers of the Girls' Training School are supremely well qualified and possessed of splendid ability from a theoretical viewpoint; they are conscientious, sincere, and enthusiastic about the work of the institution. The superintendent is unquestionably a brilliant woman, and who also unquestionably dominates the institution, deserves generous commendation for her high ideals.

2. It is the policy of the superintendent to govern the inmates of the institution by persuasion rather than

by force. No officer or employe is permitted to administer any sort of punishment except that of solitary confinement. Girls committed to the institution receive uniformly kind and considerate treatment. Incurrible girls, and in fact any girl who so desires, finds it easy to escape from the institution.

3. The parole system in vogue at the institution is not securing the best results. Committing judges are neither notified nor consulted before a parole is granted, and there is a conspicuous lack of co-operation between probate judges and probation officers on the one hand and the institution on the other. Fifteen girls have been paroled or transferred from the Girls' Training School to the Home of the Good Shepherd at Dallas during the past two years, and girls paroled to this institution are employed part of the time in a laundry which is operated in connection with the Home of the Good Shepherd. It is the policy of the superintendent to parole or transfer the incurrible girls to the Home of the Good Shepherd. All paroles are approved by the Board of Control on the recommendation of the superintendent of the Girls' Training School. One girl has been paroled to a home in Arkansas within the past year.

4. The present equipment and facilities of the institution are inadequate and they should be enlarged. The institution is operated on the cottage plan, which is in line with modern and approved ideas. The per capita cost for the fiscal year 1921-1922 was \$849.06, based on an average of sixty-eight inmates for the same period. The average per capita cost per month for the same period was \$70.76. During the same period of time the institution carried twenty-seven employes on the pay roll with an average salary of \$69.27 per month.

5. The management and policies of the institution are left almost entirely to the superintendent. Most of the teachers and officers were secured from States other than Texas. The Board of Control has not exercised such supervision as the best interests of the institution demand. The committee respectfully submits the following conclusions and recommendations, viz:

1. As stated elsewhere in this report, there can be no question as to the ability, sincerity and general fitness of the superintendent and other officials of the institution from a theoretical

viewpoint, but they fail to apply practical methods in the proper degree. They are to be commended for their high ideals, but at the same time they are subject to criticism when they attempt to apply to abnormal or sub-normal girls the same methods which would be proper with normal girls. A greater effort should be made to secure the teachers and officers from within the State with a view of gathering a staff closely familiar with Texas conditions.

2. Instead of the inmates of the institution being mistreated, as has been reported, this committee is of the opinion that discipline is entirely too lax. Mild forms of punishment are necessary with normal children, and while severe punishment would be improper, better results could undoubtedly be secured with stricter discipline. The ease with which escapes are accomplished convinces the committee that the institution is not operated so as to provide proper restraint. Many of the inmates are diseased and are a menace to society. They should by all means be so safeguarded as to make escape practically impossible.

3. There is an apparent conflict between the law relating to juveniles and the act creating the Girls' Training School, in that probate judges are given control over the juveniles in the one statute, and in the other the Board of Control is given authority to parole girls committed to the institution. This condition results in a lack of co-operation between the superintendent of the institution and the probate judges. It is the opinion of the committee that committing judges and probation officers should be consulted before paroles are granted. The committing judges and probation officers should be notified immediately of escapes.

The policy of paroling or transferring girls from the Girls' Training School to other reformatory institutions is the source of most of the criticism directed toward the institution, and this criticism is concurred in by this committee. This committee earnestly recommends that girls now on such parole be immediately recalled and that this practice be entirely discontinued; and under no circumstances should girls be paroled out of the State.

4. It is the opinion of the committee that there exists an imperative need that increased facilities be provided for delinquent girls, and it is recommended

that the Girls' Training School be enlarged. A mistake was made in locating this institution so far from the center of the State and so near the State line, but since an investment of \$250,000 has been made by the State a change in location would certainly be unwise.

A business manager could undoubtedly increase the efficiency of the institution, decrease the number of employes, and decrease the per capita cost. While the welfare of the inmates of the institution is of primary importance, at the same time the per capita cost is unnecessarily high. The farm and grounds show a lack of proper care, and the institution could be made more nearly self-sustaining by the intensive cultivation of the farm land.

More girls could be placed in this institution without overcrowding. The cottage plan is very expensive and should be used for inmates after a period of training in community houses. As a reward for good behavior a girl could be allowed the privilege of living in a cottage. In the judgment of the committee, the Girls' Training School should be a strict State institution for inmates and likewise for the ones in charge. There should be an assistant superintendent capable of taking charge when the superintendent is away, but the superintendent should be actively in charge practically all of the time.

Respectfully submitted,

BEASLEY,
Chairman.
WALLACE,
LEWIS,
HARRINGTON,
COWEN.

REPORT OF COMMITTEE TO INVESTIGATE TEXAS EMPLOYERS' INSURANCE ASSOCIATION.

House of Representatives,
Austin, Texas, March 10, 1923.

Honorable R. E. Seagler, Speaker of the House.

Sir: We, your committee appointed to investigate the charges contained in simple resolution No. —, against the Texas Employers' Insurance Association, beg leave to report that we have conducted said investigation. For the purpose of convenience we are stating the charges numerically, followed by findings of fact made and conclusions reached, as follows:

Charge No. 1.

Whereas, It has come to the attention of the House of Representatives that those charged with the duty of administering the affairs of the association have abused the authority and privileges bestowed by the Legislature in that the officers and employees of the association have organized another insurance company and have used the association to their profit in conducting the business of the said company so organized under the name of the Employers' Casualty Company.

Findings of Fact.

It appears that about July the 1st, 1920, a number of the officers, manager, directors, employees and members of the Texas Employers' Insurance Association organized the Employers' Casualty Company. The Texas Employers' Insurance Association, under the laws of Texas, had power to write and carry only employers' compensation insurance policies. Frequently, and perhaps usually, employers would desire to carry public liability insurance policies in addition to the compensation insurance policies, and as the Texas Employers' Insurance Association could not give the subscribers both lines of insurance, the Texas Employers' Association was materially handicapped in the conduct of its business. Under these conditions and for these reasons the Employers' Casualty Company was organized as a private corporation under the laws of the Texas Employers' Insurance Association and the Employers' Casualty Company were conducted by the same manager individuals, acting as the officers and employees of the respective companies, and said companies occupied and used the same office, agents and office equipment. It further appears that there was a contract between the two companies as to payment of commissions and expenses to said agents which was reasonable and customary between such business institutions.

Conclusions.

The transactions had in this connection appear to us to be neither unjust nor unreasonable, but were such as any ordinarily prudent business man or set of men might have done under the same and similar circumstances. In any event, the State of Texas as such, or its law-making body as such, has no basis for complaint, and if there be any cause for complaint, such complaint should be made to the officers of the

law, directors or subscribers of the respective companies by and through proper legal proceeding of the State of Texas.

Charge No. 2.

Whereas, The Texas Employers' Insurance Association has joined with other companies in the North and East in forming the Mutual Underwriters' Syndicate, which syndicate is engaged in writing insurance not only for the members forming the syndicate, but also for any company in the nation that complies with the rules and regulations of the syndicate, thus engaging in a business far removed from Texas and foreign to the functions it was created to perform.

Findings of Fact.

The Texas Employers' Insurance Association has entered into contracts of reinsurance with other companies other than the Texas Employers' Insurance Association engaged in similar lines of insurance. Two of the leading law firms in the State of Texas have rendered opinions to the effect that this contract of reinsurance by and between the Texas Employers' Insurance Association and other such companies was clearly within the right of such Texas Employers' Insurance Association, manager, agents and employees, and was merely incident to the right of such company doing an insurance business. The Attorney General of the State of Texas has held that the Texas Employers' Insurance Association had no such authority under the laws of Texas.

Conclusions.

Without passing judgment on the soundness of these conflicting opinions, it is reasonable to say that the Texas Employers' Insurance Association, its manager, agents and employees, appears to have used ordinary care in the conduct of this particular line of business, and was acting under legal advice to uphold its course of action. It also appears there is no express inhibition in the laws of Texas against this transaction by the Texas Employers' Insurance Association, and at most it is only a question of construction as to what the powers of the association may be in this regard. It does appear to us, however, that the power to enter into reinsurance contracts to cover such risks as may be included in the term "catastrophe hazards" is a power which any and all insurance companies must have if they are to be able to survive under any and all

circumstances and conditions, and if this power be not given by or intended by the laws of Texas, we suggest that an amendment should be enacted to the Workman's Compensation Act, giving this power and authority to the Texas Employers' Insurance Association.

Charge No. 3.

Whereas, The said association pays its general manager a salary of \$25,000 per year.

Findings of Fact.

It is true as charged that the general manager receives a salary of \$25,000 per year.

Conclusions.

We are of the opinion that the matter of salary paid to the general manager or any other employe is a matter over which the officers, directors and subscribers of the Texas Employers' Insurance Association have full and complete control, and that such matter is of no concern whatever to the State of Texas, but if any violations of the laws, rules and regulation exist, it is due to the law now on the statute governing such matters.

Charge No. 4.

Whereas, Approximately \$75,000 of the funds of said association have been paid out for bonuses to the employes and on special salaries to individuals in no way connected with the association.

Findings of Fact.

During the years 1917-1920, inclusive, the association paid bonuses to the servants, agents and employes and special salaries aggregating about \$32,000; also about \$40,000 was paid out for the acquisition of additional business.

Conclusions.

The bonuses paid out were paid during the war period between the United States and Germany, when most business concerns were doing likewise, and as the funds in the hands of the Texas Employers' Insurance Association were funds contributed by the subscribers to said association and were paid out under authority and direction of the officers and directors of the association, we are not in position to complain of such transactions, but we rather commend the spirit and purpose as well as the act itself. There is no law in Texas prohibiting such transaction, and as there is no such law, the State of Texas,

through its legislative branch or otherwise, has no right to complain. If there be any basis for complaint, such complaint should be made to and prosecuted by the officers, directors and subscribers of the association, and such complaints should be made and prosecuted in the courts of the State of Texas, and not through the Legislature. The \$40,000 paid out for acquisition of additional business is wholly and solely a matter of business discretion which should be and was used by those in authority in the Texas Employers' Insurance Association, and is no concern of this committee or this Legislature.

Charge No. 5.

Whereas, Officials of the association have obtained loans from the association approximating \$280,000.

Findings of Fact.

It appears that certain directors of the association have obtained loans from the association in about the sum of \$220,000. These loans were fairly secured; we believe were in all respects legal, and said loans, including interest, have been paid in full.

Conclusions.

Like the transactions above described, this was a purely business matter, over which the State had no control, and as the directors and subscribers made no complaint of same, and we believe the loans have been repaid in full, no one seems to have had grounds for objection, and certainly the State has none.

Charge No. 6.

Whereas, Officers and employes of the association, who are charged with the public duty of impartially administering the affairs of the association for the mutual benefit of employers and employes alike, are now spending the funds of the association and their own time, which belongs to the association, in an effort to defeat proposed legislation to increase the compensation of employes.

Findings of Fact.

In 1917 the sum of \$500 was expended in connection with the revision of the Texas Employers' Insurance Liability Act of that year; the sum of \$215.70 in the year 1918 in connection with proposed amendments, to the Liability Act; the sum of \$500 in connection with legislation pending in session of Legislature in 1919.

Conclusions.

There is no charge, and certainly no proof to support the charge that these funds were expended in an improper manner, but was so expended to the best interest of Texas. It is the privilege and perhaps the duty of all individuals and business institutions to be present during the sessions of the Legislature when legislation relating to or affecting the interest of such individual or concern is under consideration. This privilege or duty, as the case may be, seems to have been carried and there is no reason why any complaint should be made against this procedure by the State of Texas. If there be any complaint it should be raised by the directors, officers and subscribers of the association, and not otherwise, and said complaint should be made to the proper officials and officers of the law by those seeking relief.

Charge No. 7.

Whereas, The funds of the association have been paid out at various times to public officials, and in connection with the Legislature, such funds having been charged on the books to expense accounts, and otherwise camouflaged so as not to reflect the true nature of the transactions.

Findings of Fact.

(The same as under charge No. 6.)

Conclusions.

(The same as under charge No. 6.)

Charge No. 8.

Whereas, Numerous other irregulari-

ties, too numerous to be set out herein, have occurred in the conduct of the affairs of the said association, and have been brought to the attention of the House.

Findings of Fact.

This paragraph seems to have been a general charge of irregularities, but is covered by the charges above set forth, and we deem it unnecessary to go into any further detail.

Conclusions.

(See above.)

We do not desire to repeat what we have previously stated in this report, but do call attention to the fact that as long as the Texas Employers' Insurance Association is not violating some statute of the State of Texas it is not the concern of any department of government to interfere with the business of such concern, and if there be any basis for complaint by any department of government, the complaint should be instituted and prosecuted through the courts of this State and not otherwise. Our conclusion is, that the Texas Employers' Insurance Association is a sound institution, conducted by men of ability and integrity, and if any irregularity exists as above set forth, it is due to the existing laws of the State of Texas, that their business methods have been clean, sound and sane.

Respectfully submitted,

ROGERS,
QUAID,
GIPSON,
House Committee.

In Memory
of
Hon. H. B. Terrell

Mr. Shires offered the following resolution:

Whereas, Hon. Henry Berryman Terrell, late of Waco, Texas, a member of the Twenty-seventh, Twenty-eighth, Twenty-ninth and Thirtieth Legislatures in the House and also a member of the Senate of the State of Texas in the Thirty-first, Thirty-second, Thirty-third and Thirty-fourth Legislatures, and also elected Comptroller in 1914, and served in this capacity until 1919, at which time he resigned, departed this life on the 24th day of March, 1921;

Whereas, As a public servant and a private citizen he rendered unto his State the services of an earnest, able and patriotic citizen; and in public and private life exemplified and displayed those traits of character that gave him a place among the chivalrous sons of the South and won for him the love, esteem and respect of all those who knew him; therefore, be it

Resolved, That the members of this House extend to the bereaved relatives and friends their most heartfelt sympathy; and be it further

Resolved, That a page of the Journal of the House be set apart and dedicated to his memory, and that an enrolled copy of this resolution be sent to the family of the deceased.

The resolution was read second time and was adopted by a rising vote.